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PART I

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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Executive Assistant to the Administrator and one additional position of Confidential Assistant to the Commissioner, Public Buildings Service, are excepted under Schedule C. This section is further amended to show that one position of Confidential Assistant to the Commissioner, Federal Supply Service is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (7–19–72), subparagraph (12) of paragraph (a), subparagraph (2) of paragraph (b), and subparagraph (2) of paragraph (c) of § 213.3337 are amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(12) Two Executive Assistants to the Administrator.

(b) *Public Buildings Service.* * * *

(2) Three Confidential Assistants to the Commissioner.

(c) *Federal Supply Service.* * * *

(2) Three Confidential Assistants to the Commissioner.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–11039 Filed 7–18–72;8:47 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lime Reg. 5, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of limes available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lime Regulation 5 (37 F.R. 13466). The marketing picture now indicates that there is a greater demand for limes than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of limes to fill the current market demand thereby making a greater quantity of limes available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of limes grown in Florida.

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 911.405 (Lime Regulation 5, 37 F.R. 13466) is hereby amended to read as follows:

§ 911.405 Lime Regulation 5.

* * * * *

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 9, 1972, through July 15, 1972, is hereby fixed at 22,500 bushels.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–11050 Filed 7–18–72;8:47 am]

[Prune Reg. 10]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

On June 23, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 12396), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of prunes grown in designated counties in Washington and in Umatilla County, Oreg. This notice allowed interested persons 10 days in which they could submit written data, views, or arguments pertaining to this proposed regulation. None was submitted. The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of prunes from the production area are expected to begin on or about July 24, 1972. The grade and size requirements provided herein are necessary to prevent the handling, on and after July 24, 1972, of any prunes which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to producers pursuant to the declared policy of the act. The provision which excepts the Brooks variety of prunes from the requirements of this regulation recognizes the fact that prunes of this variety are primarily consumed locally, that they do not withstand shipment well, and that the amount of prunes of this variety produced is insignificant compared to the total supply. Individual shipments, not exceeding 500 pounds, of the Stanley or Merton varieties of prunes, subject to necessary safeguards, are excepted from these requirements because the production of these varieties is relatively small and those few which are produced are primarily consumed locally or are sold for home use and not for resale. Individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton varieties of prunes sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of prunes so handled is relatively inconsequential when compared with the total quantity handled, and

because it would be administratively impracticable to regulate the handling of such shipments due to the nearness of the source of supply.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (37 F.R. 12396), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such prunes are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act.

Such § 924.311 reads as follows:

§ 924.311 **Prune Regulation 10.**

(a) Order: Prune Regulation 9, as amended (36 F.R. 13898; 15424) is hereby terminated on July 24, 1972.

(b) During the period July 24, 1972, through August 31, 1973, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish color; and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: *Provided,* That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerances for defects provided in the U.S. Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided,* That not more than one-half if this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay; or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provision of paragraph (b) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. 1" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–11102 Filed 7–18–72;8:52 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.6, paragraph (d) is amended by revising the first sentence and by adding two new sentences between the existing first and second sentences. As amended, § 212.6(d) reads as follows:

§ 212.6 **Nonresident alien border crossing cards.**

* * * * *

(d) *Voidance.* Forms I–185 and I–186 may be declared void, without notice, by a supervisory immigration officer at a port of entry or by an immigration officer authorized to issue orders to show cause or to grant voluntary departure under Part 242 of this chapter. Form I–186 may be declared void by a consular officer in Mexico. The border crossing card to be voided shall be surrendered immediately and destroyed. The alien to whom the form was issued shall be notified of the action taken and the reasons therefor by means of Form I–180 delivered in person or, if such action is not possible, by mailing the Form I–180 to the address shown on the nonresident alien border crossing card. Violations of the immigration laws or subsequent developments indicating inadmissibility shall be grounds, though not exclusive, for voidance of the forms. An appeal shall not lie from a decision voiding a nonresident alien border crossing card but such voidance shall be without prejudice to a subsequent application for a visa or for admission to the United States.

* * * * *

PART 214—NONIMMIGRANT CLASSES

In § 214.1, paragraph (b) is amended by deleting therefrom the words "by the revocation and invalidation of his visa pursuant to section 221(i) of the Act;". As amended, § 214.1(b) reads as follows:

§ 214.1 **Requirements for admission, extension, and maintenance of status.**

* * * * *

(b) *Termination of status.* Within the period of initial admission or extension of stay, the nonimmigrant status of an alien shall be terminated by the revocation of a waiver previously authorized in his behalf under section 212(d) (3) or (4) of the Act; or by the introduction of a private bill to confer permanent resident status on such alien.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line is alphabetical sequence: "Inexadria Airways."

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

In § 248.3, paragraph (b) is amended in the following respects: The existing first sentence is deleted and two sentences are inserted in lieu thereof; and a new sentence is added at the end of the paragraph. As amended, § 248.3(b) reads as follows:

§ 248.3 **Application.**

* * * * *

(b) *Application and fee not required.* When an alien whose status has been changed to a classification under section 101(a)(15) (A) or (G) of the Act has in the United States an "immediate family" member as defined in 22 CFR 41.1, the status of the "immediate family" member may be changed to the classification of the principal alien without an application or fee. When an alien whose status has been changed to a classification under section 101(a)(15) (E), (F), (H), (I), (J), or (L) of the Act has a nonimmigrant spouse or nonimmigrant child in the United States, the status of the spouse or child may be changed to the appropriate nonimmigrant classification without an application or fee. Neither an application nor fee is required of an alien who seeks reclassification from that of a visitor for pleasure under section 101(a) (15) (B) of the Act to that of a visitor for business under the same section; from classification as a student under section 101(a)(15)(F)(i) of the Act to classification as an accompanying spouse or minor child under section 101(a)(15)(F)(ii) of the Act or vice versa; from any classification within section 101(a)(15)(H) of the Act to any other classification within section 101(a)(15)(H) provided requisite Form I-129B visa petition has been filed and approved; from classification as a participant under section 101(a)(15)(J) of the Act to classification as an accompanying spouse or minor child under that section, or vice versa; or from classification as an intracompany transferee under section 101(a)(15)(L) of the Act to classification as an accompanying spouse or minor child under that section, or vice versa. No fee shall be required in connection with any request for change to classification under section 101(a)(15) (A) or 101(a)(15) (G) of the Act. No fee shall be required when a change to exchange alien status under section 101(a)(15) (J) of the Act is requested by an agency of the U.S. Government; Form DSP-66, Certificate of Eligibility for Exchange-Visitor Status, submitted by such agency together with its request will be accepted in lieu of Form I-506. An alien classified as a visitor for business under section 101(a)(15)(B) of the Act need not request a change of classification to remain in the United States temporarily as a visitor for pleasure. An alien classified under section 101(a)(15) (A) or (G) of the Act as a member of the immediate family of a principal alien who is classified under the same section, or an alien classified under section 101(a)(15) (E), (F), (H), (I), (J), or (L) of the Act as the spouse or child who accompanied or followed to join a principal alien who is classified under the same section, need not request a change of classification to attend school in the United States, as long as such immediate family member or spouse or child continues to be qualified for and maintains the status under which he is classified.

* * * * *

PART 327—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR II

§ 327.1 [Amended]

The last sentence of § 327.1 *Petition* is amended to read as follows: "The petitioner shall pay to the clerk of the naturalization court at the time the petition is filed a fee of $25, unless the petitioner is exempt therefrom under section 344(h) of the Immigration and Nationality Act or has been granted a waiver of the fee under the provisions of § 103.7(c) of this chapter."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (7-19-72). Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 212.6(d) relates to agency management and procedure; the amendment to § 214.1(b) is made in conformity with Department of State regulations published May 4, 1972 (37 F.R. 9023); the amendment to § 238.3(b) adds a transportation line to the listing; the amendments to § 248.3(b) are clarifying in nature and confer a benefit on the persons affected thereby; and the amendment to § 327.1 conforms with previous amendments made elsewhere in this chapter.

Dated: July 13, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72-11058 Filed 7-18-72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10666, Amdt. 37-34]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Airborne Weather Radar Equipment

The purpose of this amendment to the Federal Aviation Regulations is to update the minimum performance standards for airborne weather radar equipment contained in § 37.168 of Part 37. This action was published as a notice of proposed rule making (35 F.R. 17192, November 7, 1970) and circulated as Notice 70-45, dated November 3, 1970.

A number of comments were received in response to the notice and these generally favored the proposed amendment. A few comments which were not within the scope of the notice will be considered in the next pertinent rulemaking action. Based upon the relevant comments and upon further review within the FAA, a number of changes have been made to the proposed rule. These changes and the FAA's disposition of the public comments are discussed hereinafter. Interested persons have been afforded the opportunity to participate in the making of this amendment and all relevant material submitted has been fully considered.

One commentator recommended that the radome and waveguide loss be defined as a two-way loss to avoid possible confusion. However, since radome and waveguide losses with respect to radar are always specified as two-way losses, no confusion will result. Therefore, the FAA does not believe a change is necessary.

One comment noted that the maximum range marking requirement of proposed § 37.168(b)(2) could cause a problem with radar having a multiple-antenna option, if range is a function of antenna gain. However, even though multiple-antenna option may permit the range to vary, the FAA does not believe that the standard need be more detailed as to marking. A similar situation exists with respect to other equipment having multiple-performance capabilities. Following the procedures used in such cases, the FAA will consider the range marking requirement to be met if the manufacturer marks the article with the appropriate class associated with one of the antennas provided. The maximum radar system range for each optional antenna would then be set forth in the manufacturer's installation procedures and a specific installation approved by the FAA accordingly.

Two commentators requested that proposed § 37.168(a)(2)(i) be clarified with respect to the effect to be given RTCA Document No. DO-138 in meeting the requirements of paragraph 2.14.1 of RTCA Document No. DO-134. The intent is that the exception stated within paragraph 2.14.1 of DO-134 remain effective after substituting reference to the appropriate figure of DO-138 in place of the corresponding figure of superseded RTCA Paper DO-108. § 37.168 (a)(2)(i) has been amended to make this clear.

With regard to the standards on emission of spurious radio frequency energy and magnetic effect, a comment recommended deletion of Category Z since past experience with RFI suppression indicates that the Category Z limits would be impractical for high-power pulse equipment such as airborne weather radar. Another commentator, however, favored the retention of both Categories A and Z. The FAA does not agree that deletion is appropriate inasmuch as Category Z is an optional category for standards on emission of spurious radio frequency energy which should remain open to a manufacturer for certification of its equipment. In response to a further comment suggesting clarification as to whether Category A or Z equipment is required for a particular aircraft type or installation condition,

the FAA believes that paragraph 1, Appendix A of RTCA Document DO–138 is adequate in stating that either category of equipment may be used.

The FAA rejects a recommendation that proposed § 37.168(c)(2) be revised to require that one copy of the technical data sheet be furnished with the first article delivered to each customer rather than one copy with each article. To insure that each ultimate user receives the technical data, whether he buys from the manufacturer or a distributor, such data must be furnished with each article manufactured.

One commentator recommended that in lieu of the requirements of paragraph 2.10 of RTCA Document DO–134 the TSO should require that the system be capable of displaying signals on the shortest selected range scale down to 2 nautical miles or 10% of the selected range scale, whichever is greater. The commentator believed that the requirement of paragraph 2.10 would impose a needless spare parts expense and is not well enough defined to be operationally meaningful. Paragraph 2.10 states that the recovery time shall be such that the equipment is capable of displaying signals down to a 2-nautical mile minimum range, and the commentator has evidently interpreted the requirement as applicable to all the selectable range scales provided on the equipment. However, paragraph 2.10 does not require more than that the 2-nautical mile minimum range limitation be met on any one range scale and that the scale may be selected by the applicant. Since the applicant may select the one most advantageous scale, the FAA does not believe that the recommendation would alleviate any maintenance problem and, therefore, does not agree with the recommended change.

Finally, it should be noted that the FAA has developed a provisional signal format for the next generation instrument landing system which will operate simultaneously in the 5.0–5.25 and 15.4–15.7 GHz Aeronautical Radio Navigation Bands. Since channelization for the microwave landing guidance system is expected to consume the entire 15.4–15.7 GHz band, manufacturers of airborne weather radar equipment should take this into consideration when designing new equipment at least until compatibility with the microwave guidance system has been established.

In consideration of the foregoing, § 37.168 of the Federal Aviation Regulations is amended to read as hereinafter set forth, effective August 18, 1972.

§ 37.168 Airborne weather radar equipment, TSO–C63b.

(a) *Applicability.* (1) This technical standard order prescribes the minimum performance standards that airborne weather radar equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufacturered on or after August 18, 1972, must meet the requirements of Radio Technical Commission for Aeronautics Document No. DO–134 entitled "Minimum Performance Standards—Airborne Weather and Ground Mapping Pulsed Radars," dated February 16, 1967, and Radio Technical Commission for Aeronautics Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968, except as provided in subparagraph (2) of this paragraph. RTCA Documents Nos. DO–134 and DO–138 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 of the Federal Aviation Regulations, and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO–134 and DO–138 may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, DC 20006, at a cost of $6 per copy for Document No. DO–134 and $8 per copy for Document No. DO–138.

(2) Exceptions:

(i) RTCA Paper DO–108, referenced in RTCA Document No. DO–134, has been superseded by RTCA Document No. DO–138, and the requirements of RTCA Document No. DO–134 must be met using the environmental test condition of RTCA Document No. DO–138. The exception provided in paragraph 2.14.1 of RTCA Document No. DO–134 is applicable after substituting the words "Figure 2 on page 13 of DO–138 Appendix A" in place of the words "Figure 4–A on page 9 of the DO–108 Appendix A."

(ii) RTCA Document No. DO–138 lists environmental test conditions covering equipment subjected to water, hydraulic fluid, sand and dust, fungus and salt spray, for which there are no corresponding equipment performance requirements in RTCA Document No. DO–134, and compliance with these environmental test conditions is not required. If the applicant elects to certify compliance with any of those environmental test conditions, the equipment performance requirements of paragraph 2.7 of RTCA Document No. DO–134 must be met after the equipment has been exposed to those test conditions.

(b) *Marking.* In addition to the markings specified in § 37.7, the article must be permanently and legibly marked with the following information:

(1) The environmental categories over which the article has been designed to operate must be marked in accordance with RTCA Document DO–138, Appendix B.

(2) The maximum system range in nautical miles, declared by the article manufacturer. This must be identified on the name plate, following the environmental category designations, by the word "class" and the following class number which identifies the maximum system range:

Class:	*Maximum system range in nautical miles*
1	25
2	50
3	75
4	100
5	125
6	150
7	over 150

(3) Each separate component of the article (antenna, transmitter-receiver, indicator, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the article component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, and X should be placed in the space assigned for that category.

(c) *Data requirements.* (1) In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(i) One copy of the operating instructions and equipment limitations of the manufacturer.

(ii) One copy of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a list of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. The procedures must set forth all limitations, restrictions, or other conditions pertinent to the installation.

(iii) One copy of the manufacturer's test report.

(2) One copy of the technical data specified in subparagraph (1)(ii) of this paragraph must be furnished with each article manufactured.

(d) *Previously approved equipment.* Airborne weather radar equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

(Secs. 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), and 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 10, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72–11014 Filed 7–18–72;8:45 am]

[Docket No. 72–CE–2–AD, Amdt. 39–1468]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Cessna Airplanes; Correction

In F.R. Doc. 72–9286, appearing on pages 12219 and 12220 in the issue of

Wednesday, June 21, 1972, a portion of the applicability statement on page 12220 should be corrected to read as follows:

Models	*Serial Numbers*
P206, P206A, B, C, D, E, and TP206A, B, C, D, E	P206-0001 thru P206-0647
U206, U206A, B, C, D, E, and TU206A, B, C, D, E	U206-0276 thru U20601673
207 and T207	20700001 thru 20700205

Issued in Kansas City, Mo., on July 10, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-11015 Filed 7-18-72;8:45 am]

[Docket No. 10054, Amdt. 43-14]

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

Appliance Major Repairs

The purpose of this amendment to Appendix A of Part 43 of the Federal Aviation Regulations is to classify the calibration and repair of instruments and the calibration of radio equipment as major appliance repairs.

This amendment was proposed in Notice 70-2, published on January 10, 1970 (35 F.R. 386). The majority of the comments received in response to Notice 70-2 favored the adoption of the proposal. However, a number of comments were received that exceeded the scope of the notice and therefore, are not considered in connection with this amendment. Nevertheless, these comments are appreciated and they will be considered in connection with future rule making actions. Finally, several commentators objected to certain aspects of the proposed rule. These comments are discussed below.

A number of the comments indicated a difference of opinion as to the work functions that constitute calibration. Calibration involves the airworthiness of an instrument or item of radio equipment and includes those work functions which cause the instrument or radio equipment to perform within specified tolerances. It requires special skills and knowledge and the use of test equipment. Calibration procedures normally require the instrument or radio case to be opened for internal calibration or repair. It does not include those adjustments of instruments and equipment which are accomplished using readily accessible and simple adjusting means, including the adjustments that are normally accomplished during cockpit checklist procedures, the adjusting of the zero setting of meter scales, and simple testing to determine error in instrument performance or operation. These work functions do not have an appreciable effect on the airworthiness of the instrument or equipment and do not require special skill and knowledge and the use of test equipment.

Contrary to the belief of one commentator, the proposal does not prevent an operator from adjusting or "swinging" magnetic compasses. The ground swinging of compasses to determine and record magnetic deviation does not involve those work functions which constitute calibration. However, if a magnetic compass needs additional fluid to perform properly, it is defective and the necessary opening of the case, replenishing of the fluid, and testing of the compass is calibration since it has an appreciable effect on the airworthiness of the compasses and requires special skills, knowledge and test equipment. These work functions constitute a major appliance repair under both the present regulations and the proposal.

One comment suggested that the calibration and repair of nonessential instruments should not be classified as major repairs. Another comment recommended that only the calibration of primary flight and primary engine instruments be classified as major repairs. The FAA does not agree with these comments. Regardless of the intended use of an instrument, its calibration has long been considered a basic part of instrument repair, and the FAA believes that the calibration and repair of all instruments should be classified as appliance major repairs regardless of their intended use.

Another comment objected to the proposal on the grounds that it would place an additional recordkeeping burden on Part 121 operators and would necessitate setting up separate records to record instrument repairs. Part 121 certificate holders are required to make a record of all maintenance performed on appliances regardless of whether that maintenance is classified as major or minor repairs. Calibration is a basic function of instrument repair procedures that have been in general use by air carriers for many years and classifying instrument calibration as a major repair should not alter an operator's recordkeeping system in any material respect.

One commentator, noting that the term "radio equipment" is not defined in the regulations, suggested that the term "communications equipment" would be more appropriate since it covers both navigation and voice communications equipment. The FAA does not agree. The term radio equipment includes navigation and communications equipment as well as weather radar and all other equipment that involve the transmission and reception of radio waves. The calibration of all radio equipment, regardless of its function, is classified as an appliance major repair under the proposal.

In consideration of the foregoing, paragraphs (b) (4) (i) and (ii) of Appendix A of Part 43 of the Federal Aviation Regulations are amended, effective August 18, 1972, to read as follows:

APPENDIX A—MAJOR ALTERATIONS, MAJOR REPAIRS, AND PREVENTIVE MAINTENANCE

* * * * *

(b) *Major repairs.* * * *

(4) *Appliance major repairs.* * * *

(i) Calibration and repair of instruments.

(ii) Calibration of radio equipment.

* * * * *

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 11, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-11016 Filed 7-18-72;8:45 am]

[Airspace Docket No. 71-SO-119]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Areas

On May 11, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 9493) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter control zones and transition areas in Puerto Rico and the Virgin Islands.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 14, 1972, as hereinafter set forth.

1. Section 71.171 (37 F.R. 2056) is amended as follows:

a. The Aguadilla control zone is amended to read as follows:

AGUADILLA, P.R.

Within a 6-mile radius of Ramey AFS (lat. 18°29'45" N., long. 67°08'00" W.); within 3 miles each side of the Ramey VORTAC 257° radial, extending from the 6-mile-radius zone to 8.5 miles west of the VORTAC.

b. The Charlotte Amalie control zone is amended to read as follows:

CHARLOTTE AMALIE, ST. THOMAS, V.I. (HARRY S. TRUMAN AIRPORT)

Within a 6-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the FAA publication International NOTAMs.

c. In the Christiansted, St. Croix, V.I., control zone "(lat. 17°42'15" N., longitude 64°47'55" W.)" is deleted and "(latitude 17°42'13" N., longitude 64°-47'54" W.)" is substituted therefor, and "207°" is deleted and "208°" is substituted therefor.

d. The San Juan control zone is amended to read as follows:

SAN JUAN, P.R. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Puerto Rico International Airport (lat. 18°26'48" N., long. 66°00'07" W.); within a 3-mile radius of Isla Grande Airport (lat. 18°27'33" N., long. 66°05'55" W.); within 5 miles each side of the San Juan VORTAC 058° radial, extending from the VORTAC to 13 miles northeast

of the VORTAC; within 3.5 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile-radius zone to 11 miles east of the VORTAC; within 2 miles each side of the ILS localizer west course, extending from the 5-mile-radius zone to 1 mile east of the San Pat RBN.

2. Section 71.181 (37 F.R. 2143) is amended as follows:

a. The Aguadilla transition area is amended to read as follows:

AGUADILLA, P.R.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ramey AFB (lat. 18°29'45" N., long. 67°08'00" W.); within a 10-mile radius of Mayaguez Airfield (lat. 18°15'26" N., long. 67°08'58" W.).

b. The Charlotte Amalie transition area is amended to read as follows:

CHARLOTTE AMALIE, ST. THOMAS, V.I. (HARRY S TRUMAN AIRPORT)

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Harry S Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Harry S Truman Airport; within 9.5 miles west and 4.5 miles east of St. Thomas VOR 358° radial, extending from the 15-mile-radius area to 18.5 miles north of the VOR.

c. In the Christiansted, St. Croix, V.I., transition area "(latitude 17°42'15" N., longitude 64°47'55" W.)" is deleted and "(latitude 17°42'13" N., longitude 64°47'-54" W.)" is substituted therefor, and "207°" is deleted and "208°" is substituted therefor.

d. In the San Juan, P.R., transition area all preceding "and that airspace extending upward from 1,200 feet" is deleted and "That airspace extending upward from 700 feet above the surface south of lat. 18°23'00" N., within a 20-mile radius of Puerto Rico International Airport (latitude 18°26'48" N., longitude 66°00'07" W.); that airspace north of latitude 18°23'00" N., within a 12-mile radius of Puerto Rico International Airport; within 5 miles each side of the San Juan VORTAC 058° radial, extending from the 12-mile-radius area to 15 miles northeast of the VORTAC; within 4 miles each side of the San Juan VORTAC 086° radial, extending from the 12-mile-radius area to 12 miles east of VORTAC; wtihin 5 miles each side of the 101° bearing from the Dorado RBN, extending from the 12-mile- and 20-mile-radius areas to the Dorado RBN; within 9.5 miles north and 4.5 miles south of the 277° bearing from the San Pat RBN, extending from the 12-mile- and 20-mile-radius areas to 18.5 miles west of the RBN;" is substituted therefor; "(latitude 18°20'25" N., longitude 64°58'10" W.)" is deleted and "(latitude 18°20'26" N., longitude 64°-58'11" W.)" is substituted therefor; "(latitude 18°29'50" N., longitude 67°07'-45" W.)" is deleted and "(latitude 18°29'45" N., longitude 67°08'00" W.)" is substituted therefor; and "(latitude 18°27'30" N., longitude 66°05'55" W.)" is deleted and "(latitude 18°27'33" N., longitude 66°05'55" W.)" is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, E.O. 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 12, 1972.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-11017 Filed 7-18-72;8:45 am]

[Airspace Docket No. 72-SW-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Kenedy, Tex.

On June 3, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11188) stating the Federal Aviation Administration proposed to designate the Kenedy, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. September 14, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

KENEDY, TX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Karnes County Airport (latitude 28°-49'30" N., longitude 97°51'55" W.) and within 5 miles each side of the Three Rivers VORTAC 038° T. (029° M.) radial extending from the 5-mile radius to 17 miles northeast of the Three Rivers VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Fort Worth, Tex., on July 7, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-11018 Filed 7-18-72;8:45 am]

[Docket No. 12048, Amdt. 819]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.19 is amended by establishing, revising, or canceling the following Radar SIAP's, effective August 17, 1972:

San Diego, Calif.—Miramar NAS; Radar 1, Amdt. 1; Canceled.

Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's, effective August 17, 1972:

Minchumina, Alaska—Minchumina Airport; LFR-A, Amdt. 8; Canceled.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective August 3, 1972:

Santa Maria, Calif.—Santa Maria Public Airport; VOR-A, Amdt. 4; Revised.
Santa Maria, Calif.—Santa Maria Public Airport; VOR Runway 12, Amdt. 8; Revised.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective August 17, 1972:

Ashland, Va.—Hanover County Municipal Airport; VOR Runway 16, Original; Established.
Barre-Montpelier, Vt.—Edward F. Knapp State Airport; VOR Runway 35, Amdt. 4; Revised.
Burley, Idaho—Burley Municipal Airport; VOR Runway 10, Amdt. 12; Revised.
Clarksville, Tenn.—Outlaw Field; VOR Runway 34, Amdt. 4; Revised.
Dubuque, Iowa—Dubuque Municipal Airport; VOR Runway 31, Amdt. 3; Revised.
Grand Island, Nebr.—Grand Island Airpark; VOR 13, Amdt. 10; Revised.
Grand Island, Nebr.—Grand Island Airpark; VOR Runway 17, Amdt. 14; Revised.
Grand Island, Nebr.—Grand Island Airpark; VOR/DME Runway 35, Amdt. 7; Revised.

Gulfport, Miss—Gulfport Municipal Airport; VOR Runway 4, Amdt. 6; Revised.
Gulfort Miss.—Gulfport Municipal Airport; VOR Runway 13, Amdt. 11; Revised.
Gulfport, Miss—Gulfport Municipal Airport; VOR Runway 22, Amdt. 7; Revised.
Gulfport, Miss—Gulfport Municipal Airport; VOR Runway 31, Amdt. 10; Revised.
Jefferson City, Mo.—Jefferson City Memorial Airport; VOR Runway 12, Amdt. 8; Revised.
Jefferson City, Mo.—Jefferson City Memorial Airport; VOR Runway 30, Amdt. 6; Revised.
Lake Havasu City, Ariz.—Lake Havasu City Airport; VOR/DME-A, Amdt. 1; Revised.
New York, N.Y.—La Guardia Airport; VOR-A, Amdt. 10; Revised.
New York, N.Y.—La Guardia Airport; VOR-B, Amdt. 13; Revised.
New York, N.Y.—La Guardia Airport; VOR-C, Amdt. 3; Revised.
Panama City, Fla.—Panama City-Bay County Airport; VOR-A, Amdt. 5; Revised.
Panama City, Fla.—Panama City-Bay County Airport; VOR Runway 14, Amdt. 5; Revised.
Panama City, Fla.—Panama City-Bay County Airport; VOR Runway 32, Amdt. 2; Revised.
Racine, Wis.—Horlick-Racine Airport; VOR Runway 4, Amdt. 1; Revised.
Racine, Wis.—Horlick-Racine Airport; VOR Runway 22, Amdt. 3; Revised.
Richland, Wash.—Richland Airport; VOR Runway 25, Original; Established.
Rolla, Mo.—Rolla Downtown Airport; VOR/DME-A, Original; Established.
St. Louis, Mo.—Lambert-St. Louis International Airport; VOR Runway 6, Amdt. 2; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; VOR Runway 12L, Amdt. 4; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; VOR Runway 12R, Amdt. 13; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; VOR Runway 24, Amdt. 2; Revised.
San Francisco, Calif.—San Francisco International Airport; VOR-A, Amdt. 1; Canceled.
San Francisco, Calif.—San Francisco International Airport; VOR-B, Amdt. 2; Revised.
San Francisco, Calif.—San Francisco International Airport; VOR Runway 19L, Original; Established.
San Francisco, Calif.—San Francisco International Airport; VOR Runway 28L/R, Amdt. 15; Revised.
Tulare, Calif.—Tulare Airpark; VOR Runway 13, Original; Established.
Washington, Ga.—Washington-Wilkes County Airport; VOR/DME Runway 13, Original; Established.
Wildwood, N.J.—Cape May County Airport; VOR Runway 23, Amdt. 6; Revised.

Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective August 3, 1972:

Santa Maria, Calif.—Santa Maria Public Airport; LOC(BC)-A, Amdt. 2; Revised.

Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective August 17, 1972:

Daytona Beach, Fla.—Daytona Beach Regional Airport; LOC(BC) Runway 24R, Amdt. 2; Revised.
Grand Island, Nebr.—Grand Island Airpark; LOC/DME(BC) Runway 17, Original; Established.
Gulfport, Miss.—Gulfport Municipal Airport; LOC Runway 13, Amdt. 2; Revised.
Hot Springs, Va.—Ingalls Field; LOC Runway 24, Amdt. 3; Revised.
Jefferson City, Mo.—Jefferson City Memorial Airport; SDF Runway 30, Original; Established.
La Crosse, Wis.—La Crosse Municipal Airport; LOC(BC) Runway 36, Original; Established.
New York, N.Y.—La Guardia Airport; LOC (BC) Runway 31, Amdt. 5; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; LOC(BC) Runway 6, Amdt. 20; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; LOC(BC) Runway 30L, Amdt. 4; Revised.
San Francisco, Calif.—San Francisco International Airport; LOC(BC)-A, Amdt. 2; Revised.

Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective August 17, 1972:

Americus, Ga.—Souther Field; NDB Runway 22, Amdt. 1; Revised.
Apalachicola, Fla.—Apalachicola Municipal Airport; NDB Runway 13, Amdt. 3; Revised.
Bristol, Tenn.—Tri City Airport; NDB Runway 4, Amdt. 9; Revised.
Bristol, Tenn.—Tri City Airport; NDB Runway 22, Amdt. 11; Revised.
Columbus, Nebr.—Columbus Municipal Airport; NDB Runway 14, Amdt. 5; Revised.
Dubuque, Iowa—Dubuque Municipal Airport; NDB Runway 31, Original; Established.
Eugene, Oreg.—Mahlon-Sweet Field; NDB Runway 16, Amdt. 22; Revised.
Grand Island, Nebr.—Grand Island Airpark; NDB Runway 35, Amdt. 1; Revised.
Hot Springs, Va.—Ingalls Field; NDB Runway 24, Amdt. 3; Revised.
Jefferson City, Mo.—Jefferson City Memorial Airport; NDB Runway 30, Original; Established.
Juneau, Alaska—Juneau Municipal Airport; NDB-A Runway 8, Amdt. 3; Revised.
La Crosse, Wis.—La Crosse Municipal Airport; NDB Runway 18, Original; Established.
Minchumina, Alaska—Minchumina Airport; NDB Runway 2, Original; Established.
New York, N.Y.—La Guardia Airport; NDB Runway 4, Amdt 32; Revised.
New York, N.Y.—La Guardia Airport; NDB Runway 22, Amdt. 7; Revised.
Racine, Wis.—Horlock-Racine Airport; NDB Runway 22, Amdt. 9; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; NDB Runway 12R, Amdt. 5; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; NDB Runway 24, Amdt. 27; Revised.
San Francisco, Calif.—San Francisco International Airport; NDB Runway 19L, Amdt. 3; Revised.
San Francisco, Calif.—San Francisco International Airport; NDB Runway 28L, Amdt. 3; Revised.
Washington, Ind.—Daviess County Airport; NDB Runway 18, Original; Established.
Worcester, Mass.—Worcester Municipal Airport; NDB Runway 11, Amdt. 5; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective August 3, 1972:

Santa Maria, Calif.—Santa Maria Public Airport; ILS Runway 12, Amdt. 1; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective August 17, 1972:

Bristol, Tenn.—Tri City Airport; ILS Runway 22, Amdt. 16; Revised.
Daytona Beach, Fla.—Daytona Beach Regional Airport; ILS Runway 6L, Amdt. 16; Revised.
Denver, Colo.—Stapleton International Airport; ILS Runway 35, Amdt. 14; Revised.
Dubuque, Iowa—Dubuque Municipal Airport; ILS Runway 31, Amdt. 1; Revised.
Grand Island, Nebr.—Grand Island Airpark; ILS Runway 35, Amdt. 1; Revised.
La Crosse, Wis.—La Crosse Municipal Airport; ILS Runway 18, Original; Established.
New York, N.Y.—La Guardia Airport; ILS Runway 4, Amdt. 28; Revised.
New York, N.Y.—La Guardia Airport; ILS Runway 13, Amdt. 8; Revised.
New York, N.Y.—La Guardia Airport; ILS Runway 22, Amdt. 8; Revised.
Panama City, Fla.—Panama City-Bay County Airport; ILS Runway 14, Amdt. 5; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; ILS Runway 12R, Amdt. 8; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; ILS Runway 24, Amdt. 32; Revised.
San Francisco, Calif.—San Francisco International Airport; ILS Runway 19L, Amdt. 8; Revised.
San Francisco, Calif.—San Francisco International Airport; ILS Runway 28L, Amdt. 9; Revised.
Worcester, Mass.—Worcester Municipal Airport; ILS Runway 11, Amdt. 5; Revised.

Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective August 17, 1972:

Bristol, Tenn.—Tri City Airport; Radar-1, Amdt. 7; Revised.
St. Louis, Mo.—Lambert-St. Louis International Airport; Radar-1, Amdt. 16; Revised.
Youngstown, Ohio—Youngstown Municipal Airport; Radar-1, Amdt. 2; Revised.

Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective August 17, 1972:

Grand Island, Nebr.—Grand Island Airpark; RNAV Runway 31, Original; Established.
St. Louis, Mo.—Lambert-St. Louis International Airport; RNAV Runway 30L, Amdt. 1; Revised.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 17L, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 17R, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 35L, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 35R, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on July 12, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-10343 Filed 7-18-72;8:45 am]

[Docket No. 10315, Amdt. 121-33]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Equipment for Extended Overwater Operations

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to delete the requirement that the emergency locator transmitter required for extended overwater operations be attached to one of the required liferafts.

Amendment 121–79 (36 F.R. 18716; September 21, 1971), among other things, added to § 121.339 the requirement that the portable emergency radio signaling device required by that section, after October 21, 1972, be attached to one of the required liferafts.

Further study has led the FAA to conclude that to require the transmitter to be attached to one of the required liferafts could result in the transmitter not being available for use by the survivors of an aircraft ditching and that, for this reason, that particular requirement should be deleted. In any emergency ditching, a number of liferafts are inflated, but only a few of them may actually be used. In many cases a liferaft may be found to be defective, it may be inflated at the wrong time, or, for some other reason, may not be usable. Consequently, to require the emergency locator transmitter to be attached to one of the required liferafts is likely to result in the device being attached to a liferaft that cannot be used in the ditching operation and thereby adversely affect the safety of passengers and crewmembers involved.

Since a safety situation exists which requires immediate regulatory action that imposes no additional burden on any person, I find that notice and public procedure are impracticable and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective July 19, 1972, by deleting the second sentence in paragraph (a) (4) of § 121.339.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 13, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72–11019 Filed 7–18–72;8:45 am]

[Docket No. 11376, Amdt. 135–32]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Helicopter Emergency Landing Areas

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is to relax somewhat the requirement that emergency landing areas be continuously available while a helicopter is being operated.

This amendment is based on a notice of proposed rule making (Notice No. 71–25) published in the FEDERAL REGISTER on September 14, 1971 (36 F.R. 18425). The comments received in response to the notice were, in the main, opposed to the proposal primarily because commentators believe it would curtail the use of helicopters in remote or wilderness areas. Secondly, it was felt by many that the rule discriminated unfairly against operators of helicopters especially in the light of the unique capability of the helicopter to land with zero forward speed in case of engine failure. Some commentators described operations in mountainous, heavily forested, or very remote areas as being uniquely suited to helicopter operations and cited the fact that such operations are the chief source of revenue for many Part 135 helicopter operators.

The FAA wishes to make it clear that the amendment proposed in Notice 71–25 and adopted herein is less restrictive than the emergency landing requirement currently prescribed in § 135.89. As was stated in Notice 71–25, the intent of the proposal was not to provide that the availability of emergency landing areas must be continuous, since such a requirement is considered impracticable for Part 135 helicopter operations. In addition, upon further consideration the FAA has concluded that the proposal should be changed in the amendment adopted to limit the applicability of the requirement for emergency landing areas to helicopter operations being conducted in congested areas, since persons using helicopters for transportation into mountainous and heavily forested areas recognize that takeoffs and landings in such areas necessarily involve certain hazards.

Accordingly, the amendment adopted herein requires that emergency landing areas be available for both takeoff and landing, but only in congested areas. As proposed, the provisions of this amendment do not apply to helicopters certificated under the Transport Category A provisions of Part 29 when they are operated in that category, because of the demonstrated capability they have for safely operating with one engine inoperative.

It should also be pointed out that the words "from any point necessary for that takeoff or landing" used in the proposal were intended to mean "from any point along the flight path necessary for that takeoff or landing." The wording of the proposal has been changed in this amendment to more clearly reflect this intended meaning.

In consideration of the foregoing, Part 135 of the Federal Aviation Regulations is amended, effective August 18, 1972, by amending § 135.89 to read as follows:

§ 135.89 Helicopter operations: Emergency landing areas.

Within a congested area, no person may takeoff or land a helicopter that is not certificated under the Transport Category A provisions of Part 29 of this chapter and operated in that category, unless areas are available from any point along the flight path necessary for that takeoff or landing which allow an emergency landing to be made without undue hazard to passengers or to persons or property on the surface. For the purposes of this section, areas such as schoolyards, parking lots, recreation areas, highways, shopping centers, and public docks are not considered available for possible emergency use when they are occupied by persons or vehicles unless there are unoccupied parts thereof that are large enough to allow a landing without that hazard.

(Secs. 307(c), 313(a), 601(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a), 1421(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 11, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72–11020 Filed 7–18–72;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33–5270, etc.]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Independence of Accountants

Release Nos. 33–5270, 34–9662, 35–17636, IC–7264, AS–126.

The Securities and Exchange Commission today announced the publication of an additional release in its Accounting Series on the subject of the independence of the certifying accountant. The primary purpose of this release is to set forth presently existing guidelines employed by the Commission in resolving the various independence questions that come before it. This release, therefore, is not intended to supersede Accounting Series Release No. 47 issued on January 25, 1944, or No. 81 issued on December 11, 1958, but should be read as complementing and implementing further the policy developed in those prior releases. However, to the extent that any inconsistency exists between these prior releases and the release presented herein, the latter should be regarded as indicative of the Commission's current position.

The Commission's authority and responsibility for determining that accountants are independent is found in the statutory language of the acts it administers. These acts, and the rules adopted pursuant to them, principally provide for the adequate and accurate disclosure of all material facts to the public. The concept of independence, as it relates to the accountant, is fundamental to this purpose because it implies an objective analysis of the situation by a disinterested third party. In order to assure public confidence in the objective reporting of these material facts, certain rules, particularly Rule 2(e)[1] of the Commission's rules of practice and Rule 2-01[2] of Regulation S-X, were adopted. Under Rule 2(e) "the Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the Commission after notice of and opportunity for hearing in the matter (i) not to possess the requisite qualifications to represent others, or (ii) to be lacking in character or integrity or to have engaged in unethical or improper professional conduct, or (iii) to have willfully violated, or willfully aided and abetted the violation of any provision of the Federal securities laws, or the rules and regulations thereunder."[3] Contrasted with Rule 2(e), under which the Commission may impose sanctions once the issue of lack of independence or other improper professional conduct has been determined, is Rule 2-01 of Regulation S-X which deals with the qualifications of accountants and broadly illustrates how the qualification of independence can be impaired. Audited financial statements which are used in connection with an offering of securities within the Commission's jurisdiction, including those offerings which are exempted from certification under the Securities Act of 1933, must be audited by an accountant who satisfies the independence requirements of this rule.

In Rule 2-01(b) the use of the introductory words "[f]or example" implies that situations involving possible loss of independence include, but are not limited to, the relationships set forth therein. Rule 2-01(b) as amended states that "* * * an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (1) in which, during the period of his professional engagement or at the date of his report, he or his firm or a member[4] thereof, had, or was committed to acquire, any direct financial interest or any material indirect financial interest; or (2) with which, during the period of his professional engagement, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof, was connected as a promoter, underwriter, voting trustee, director, officer, or employee."[5] The Accounting Series Releases issued on the subject of independence attempt to clarify the intent of Rule 2-01 by applying these abstract principles to concrete factual situations.

The critical distinction which must be recognized at the outset is that the concept of independence is more easily defined than applied. As a result, the guidelines and illustrations presented in these releases cannot be, nor are they intended to be, definitive answers on any aspect of this subject. Rather, they are designed to apprise the practitioner of typical situations which have involved loss of independence, whether in appearance or in fact, and by so doing to place him on notice of these and similar potential threats to his independence.

An important consideration in determining whether an accountant is independent is the relationship between the company, its stockholders, and the accountants. Ratification of accountants by stockholder vote and attendance of accountants at the company's annual meeting to answer stockholder questions are desirable actions to strengthen the accountant's independent position. The existence of an audit committee of the board of directors, particularly if composed of outside directors, should also strengthen such independence.[6]

In Accounting Series Release No. 81 it was said that the growth of the accounting profession and the number of inquiries received from public accountants necessitated the publication of rulings in this category. We find ourselves today in a similar situation. Since the publication of Accounting Series Release No. 81 in 1958, technological advances have been considerable and have resulted in not only faster and more efficient means of rendering the customary services to clients but also in an expanded range of possible services which could be rendered. Consequently, although the principles affecting the determination of independence have remained unchanged, the application of these principles has been complicated by the difficulty in properly delineating the permissible scope of these expanded services. The Ethics Division of the American Institute of Certified Public Accountants has also recognized the need for further guidelines in this area. In April 1971, it issued Ethics Opinion No. 22, which deals with the "impact of data processing services on audit independence." This opinion supports the Commission's philosophy that "the fundamental and primary responsibility for the accuracy of information filed with the Commission and disseminated among investors rests upon management."[7] It also recognizes that when "securities issued by the client are offered to the public and become subject to regulation by the Securities and Exchange Commission or other Federal or State regulatory bodies, the matter of appearance, in addition to independence in fact, becomes more significant."[8]

A part of the rationale which underlies any rule on independence is that managerial and decisionmaking functions are the responsibility of the client and not of the independent accountant. It is felt that if the independent accountant were to perform functions of this nature, he would develop, or appear to develop, a mutuality of interest with his client which would differ only in degree, but not in kind, from that of an employee. And where this relationship appears to exist, it may be logically inferred that the accountant's professional judgment toward the particular client might be prejudiced in that he would, in effect, be auditing the results of his own work, thereby destroying the objectivity sought by shareholders. Consequently, the performance of such functions is fundamentally inconsistent with an impartial examination. However, it is the role of the accountant to advise management and to offer professional advice on their problems. Therefore, the problem posed by this dilemma is to ascertain the point where advice ends and managerial responsibility begins.

In this context, managerial responsibility begins when the accountant becomes, or appears to become, so identified with the client's management as to be indistinguishable from it. In making a determination of whether this degree of identification has been reached, the basic consideration is whether, to a third party, the client appears to be totally dependent upon the accountant's skill and judgment in its financial operations or to be reliant only to the extent of the customary type of consultation or advice. A particularly difficult situation arises when a small client for whom accounting services were performed desires to go public to meet the needs of its expanding business. If any of these services involved managerial functions or the maintenance of basic accounting records, the accountant may find himself unqualified to render an independent opinion on the financial statements for any period in which these services were performed. The financial statements are the responsibility of the client and all decisions with respect to them must ultimately be assumed by the client. Consequently, it is essential that the company and its accountant allow for an adequate transitional period to avoid this problem.

The Commission has said that the question of independence is one of fact, to be determined in the light of all the pertinent circumstances in a particular case.[9] No set of rules or compilation of

[1] 17 CFR 201.2(e).
[2] 17 CFR 210.2-01.
[3] 17 CFR 201.2(e)(1).
[4] For the purposes of Rule 2-01 [17 CFR 210.2-01(b)] the term "member" means "all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit."
[5] 17 CFR 210.2-01(b).
[6] Securities Act Release No. 5237 (Mar. 23, 1972); Accounting Series Release No. 123.
[7] Interstate Hosiery Mills, Inc., 4 S.E.C. 706, 721 (1939).
[8] Ethics Opinion No. 22: "Impact of Data Processing Services on Audit Independence," American Institute of Certified Public Accountants (April 1971).
[9] Accounting Series Release No. 47, Jan. 25, 1944.

representative situations can embrace all the circumstances which could affect such a determination. But what they can do, and what they are intended to do, is act as a general notification which simultaneously educates the practitioner and places on him the responsibility for recognizing these general areas of potential loss of independence. The Commission is aware of the fact that situations arise which require judgment in determining whether the Commission's standards of independence have been met and that a company or its accountants may wish assurance that no question as to independence will be raised if the company files financial statements with the Commission. Where this is the case, the Commission urges the parties concerned to bring the problem to its attention so that a timely and informed decision on the matter may be made.

EDP AND BOOKKEEPING SERVICES

The Commission is of the opinion that an accountant cannot objectively audit books and records which he has maintained for a client. The performance of these services, whether accomplished manually or by means of computers and other mechanized instruments, ultimately places the accountant in the position of evaluating and attesting to his own recordkeeping. In some cases the amount of recordkeeping by the accountant may be limited and a strict application of the recordkeeping prohibition may cause an unreasonable hardship on companies going public for the first time. When no question relating to recordkeeping exists in the latest full year certified, the Commission may, in some cases, not raise a question as to independence in the earlier periods.

a. Systems design is a proper function for the qualified public accountant. Computer programing is an aspect of systems design and does not constitute a bookkeeping service.

b. Where source data is provided by the client and the accountant's work is limited to processing and production of listings and reports, independence will be adversely affected if the listings and reports become part of the basic accounting records on which, at least in part, the accountant would base his opinion. In this situation the accountant, by preparing basic accounting records, has placed himself in a position where he would be reviewing his own recordkeeping and could therefore appear to a reasonable third party to lack the objectivity and impartiality with respect to that client which an independent audit requires. On the other hand, if the processing results in the production of statistical summaries and analyses which do not become part of the basic accounting records, independence would not be adversely affected because the accountant, in the course of his audit, would not be put in the position, actual or apparent, of evaluating and attesting to the accuracy of his own recordkeeping.

Examples based upon situations brought to the attention of the staff are set forth below:

1. Accounting firm provided services to the client which included writing up the books, making adjusting entries, and preparing financial statements. Audited statements prepared under these circumstances are acceptable to the State Attorney General under that State's financing act. Conclusion: Independence is adversely affected since the aggregate of these activities appears to place the basic responsibility for the accounting records and financial statements with the same accounting firm which is expected to perform an objective audit.

2. Accounting firm, through the use of their data processing equipment, maintained the sales, purchase, cash receipts, and disbursements, and general journals for five of the client's subsidiaries. In addition, they posted the general ledger, coded and reclassified voucher checks, and reconciled certain accounts. The financial statements for the most recent year are to be audited by another accounting firm and those of the prior year by the subject accounting firm. Conclusion: The extent of the services performed is such as to cause the subject firm to be not independent either with regard to the parent or its subsidiaries.

3. In order to keep certain information confidential the client has asked the accounting firm to perform the following work:

(1) Preparation of executive payroll.

(2) Maintenance of selected general ledger accounts in a private ledger.

Conclusion: The performance of the foregoing work would adversely affect independence.

4. Client personnel will prepare from the books of original entry printed tapes that can be read on an optical scanner and will send the tapes to the accountant's office. The accountants will forward the tapes to a service bureau. The accountants will receive the printouts of the financial statements and general ledgers and will send them to the client. The accountants will not edit input data prior to transmission to the service bureau. Conclusion: Independence would be adversely affected. Although the function of the accountant appears totally mechanical, the service bureau appears to be acting as an agent of the accountant and this relationship should be changed so that the printed tapes will be transmitted directly to the service bureau by the client and the resulting printout returned directly to the client.

5. Bookkeeping department of public accounting firm has kept and posted the client's general ledger from the start of the client's business. All other bookkeeping work has been done by the client's employees. Conclusion: Since the accounting firm had control of the general ledger for the life of the company, their independence is adversely affected. However, another public accounting firm, if engaged to audit the company, could reduce its work by reference to the workpapers and schedules of the present accountants but only to the extent that they could be accepted as the work of the client's bookkeeping staff.

6. Public accounting firm recorded the client's books of original entry, posted the general ledger, and determined the account classification of expenditures. The client was in the preoperating stage when this work was done and consequently had no need for a full-time bookkeeper. A controller has recently been hired by the client. Conclusion: Accounting firm could not be considered independent for the purpose of auditing financial statements to be filed with the Commission. The maintenance of records in the absence of qualified personnel, as in this case, would not be considered an emergency situation which would permit such services.

7. Accounting firm proposed, by use of its computer, to perform certain data processing activities in connection with the client's stockholder ledger. Programing, keypunching and computer processing would be performed by personnel of the data processing department who are separate from the audit staff. The work proposed would consist of a complete restatement of the stockholder's ledger and its subsequent maintenance and updating to reflect future transactions. In the course of restating the ledger accounts certain audit procedures would be applied which would lead to the correction of errors in the restated accounts. Conclusion: These services would adversely affect independence. The accountant has assumed the responsibility for maintaining the client's stock records.

8. Accounting firm did certain computer servicing work for a client during the period to be covered by their opinion. The client is not using the computer services of the accounting firm for the current fiscal year but still employs this firm as its accountants. The client's personnel had complete control over the preparation and coding of the vouchers. These vouchers were sent to the accounting firm but were not accompanied by the source data. These vouchers were fed into the computer and voucher registers and general journals were printed. All corrections were made by the client. The accountants performed only those services necessary to prepare the data for the computer. Conclusion: No question of independence will be raised because these services have been discontinued prior to the current fiscal year and appear to have been mechanical in nature involving neither the exercise of judgment nor the making of any decisions by the accounting firm, and the processing was subject to controls of the client.

FINANCIAL INTERESTS

Rule 2-01(b) states that an accountant will be considered not independent if "he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest" in a client. For purposes of interpreting this section, any financial interest in a client owned by the accountant or by the accountant's spouse is considered to be a direct interest. Also, any financial interest in a client by someone other than the accountant may be treated as a direct financial interest of

the accountant himself if, under the circumstances, it appears that the holder is subject to the accountant's supervision or control. On the other hand, if the interest is considered indirect, it is necessary to determine whether or not it is also material. And, in this context, the determination is primarily made with reference to the net worth of the accountant, his firm, and the net worth of his client.

9. Corporation A is acquiring Corporation B in a merger to be accounted for as a pooling of interests and proposes to pay the accountant for Corporation B for his audit services with stock of Corporation A. The accountant for Corporation B will not audit future reports of the acquiring company. Conclusion: Independence would be adversely affected because of the receipt of stock.

10. Accounting Firm A is considering a merger with Firm B, one of whose partners owns stock in a client of Firm A. The partner proposed to put the stock in an irrevocable trust for the benefit of his children and controlled by two unassociated trustees. Conclusion: Independence would be adversely affected if the shares were not sold. Putting the shares in an irrevocable trust would not be sufficient.

11. A partner in the accounting firm, whose proposed client was a wholly owned subsidiary of the registrant, owned 1 percent of the stock of the parent company. Conclusion: Not independent.

12. A partner in an accounting firm owns stock in a company which has recently asked his firm to perform the audit for the current year. The partner would sell his stock prior to accepting the engagement. Conclusion: No question of independence would be raised.

13. Accounting firm received a 5-percent, 10-year debenture of the client in settlement of accounting fees pursuant to a plan of reorganization approved by the U.S. District Court. The firm intends to sell the debenture as soon as possible after issuance, providing any reasonable market exists. Conclusion: If securities taken in reorganization are disposed of promptly, no question as to independence will be raised. Although this is not an equity security, the debentures should be disposed of promptly.

14. A partner in an accounting firm is a member of an investment club. The club owns stock in a company which is a client of the accounting firm. Neither the number nor the value of the shares purchased is material to the club or the company. Conclusion: The firm's independence would be adversely affected as a result of the partner's interest in the investment club. In this regard, an investment club does not stand on the same footing as a mutual fund because the former is comprised of relatively few members and each member plays an active part in the selection of investments.

Accountant as Creditor of Client. When the fees for an audit or other professional service remain unpaid over an extended period of time and become material in relation to the current audit fee, it may raise questions concerning the accountant's independence because he appears to have a financial interest in his client. While no precise rules can be set forth, normally the fees for the prior year's audit should be paid prior to the commencement of the current engagement. When such unpaid fees become material, the accountant cannot be considered independent because he may appear to have a direct interest in the results of operations of the company for the period to be audited.

15. Recent operations of a client company have not been profitable and in order to improve its current working capital ratio it has invited unsecured creditors to extend their settlement dates and subordinate their interests in exchange for receiving the first proceeds from a proposed offering. The accounting firm's fee was one of the debts to be subordinated. Conclusion: If the accounting firm subordinates the amount due them its independence would be adversely affected.

16. Pursuant to a plan of recapitalization, the existing debt of the company was to be exchanged for 5-year promissory notes. The accounting firm was to receive these promissory notes in payment of its audit fee. Conclusion: Accountant should dispose of such notes as promptly as possible and, if material, before undertaking any additional auditing work for this company.

Family Relationships

As a general rule, an accountant cannot be considered independent where the family relationship existing between the accountant or member of his firm and the client is such that, because of the strong bond which customarily exists in such a relationship, an outside party could reasonably question the accountant's impartial examination. In this context and in the absence of any other factors, the presumption of impairment to independence is greater in husband-wife or father-son relationships than in that of, for example, an uncle-nephew. In other words, the presumption is directly related to the presumed strength of the family bond. But, in resolving cases of this nature, attention is directed not only to the nature of the family relationship involved but also to such other factors, particularly the positions occupied by the parties in their respective employment, as may make the related parties appear to have the opportunity to mold the shape of the financial statements.

17. A is the controller of Company Z. He is not an elected officer nor does he have any stock holdings in Company Z. A's brother, B, is a partner in the public accounting firm that audits Company Z's books. However, B is not the partner in charge of this client. Conclusion: The accountant could not be considered independent because of this relationship.

18. Partner in a national public accounting firm has a brother-in-law who is sales vice president for a recently acquired client company. The brother-in-law is not directly involved in the financial affairs of the company and the partner would not be connected with the audit in any way. Conclusion: No question of independence would be raised because of this relationship.

19. An accountant has a sister-in-law whose husband is a 40-percent stockholder of a client company. There is no other business connection between the company, the stockholder, the accountant, or his wife. Conclusion: Independence is adversely affected because of the family relationship between the accountant and a major stockholder in a client company.

20. An attorney's father and brother are partners in an accounting firm. The law firm in which the attorney is a partner acts as counsel for several companies which are also clients of the accounting firm. As partial compensation for legal services, the law firm receives securities from the client. The attorney does not live in the same home or dwelling as either the father or brother and does not have any financial interest in their accounting firm. Nor do the accountants have any interests in the law firm. Conclusion: No question of independence will be raised.

21. The father of a partner in a public accounting firm was the chairman of the board and chief executive officer of a client company. The accounting firm had approximately 400 general partners and had offices throughout the United States. The client was a large and diverse company with many consolidated subsidiaries. The partner's office was located over 500 miles from the client's home office and the partner was totally isolated from the audit engagement. This situation and the independence issue involved were presented to and reviewed by the company's board of directors. This body, which performs the functions typically delegated to an audit committee of directors, decided that if the son would not be involved in the audit in any way his association with the accounting firm would not be incompatible with the independent relationship. Conclusion: No question of independence was raised under these circumstances.

22. A client of the accounting firm acquired a 20-percent interest in a publicly held company and consequently could elect two members of the board of directors. One of the individuals they proposed to elect is the brother of a partner in the accounting firm as well as a senior partner in the law firm which acts as general counsel for the client. The offices of the law firm and accounting firm are located in the same city and, in addition, both brothers, their affiliations and relationships are well known in the community. Conclusion: Independence would be adversely affected.

Business Relationships With Client

Direct and material indirect business relationships other than as a consumer in the normal course of business with a client or with persons associated with the client in a decisionmaking capacity, such as officers, directors, or substantial stockholders, will adversely affect the

accountant's independence with respect to that client. Such a mutuality or identity of interests with the client would cause the accountant to lose the appearance of objectivity and impartiality in the performance of his audit because the advancement of his interest would, to some extent, be dependent upon the client. In addition to the relationships specifically prohibited by Rule 2-01(b), joint business ventures, limited partnership agreements, investments in supplier or customer companies, leasing interests, except for immaterial landlord-tenant relationships, and sales by the accountant of items other than professional services are examples of other connections which are also included within this classification.

23. Accounting firm will process the client's data on the firm's computer if the client's computer becomes inoperable. Conclusion: Accountant's independence is not adversely affected if he assisted a client by maintaining books and records for a short period because of an emergency. The inoperability of the client's computer may be considered such an emergency.

24. Accounting firm plans to rent block time on its computer to a client if the client's computer becomes overburdened. Conclusion: Renting excess computer time to a client, except in emergency or temporary situations, is a business transaction with a client beyond the customary professional relationship and would therefore adversely affect independence.

25. An individual owns 100 percent of the stock of a corporation which acts as the general partner in the limited partnership A and 51 percent of the stock of another corporation which acts as general partner for limited partnership B. The accounting firm, which has a 1 percent interest in partnership B, has been asked to audit partnership A. Conclusion: Independence as to partnership A is adversely affected because partnership B, in which the accounting firm has an interest, was promoted under the same sponsorship as A. However, if the 1 percent interest is disposed of, no question will be raised.

26. Client of an accounting firm is engaged in the business of selling franchises. Two partners of this firm have invested approximately 5 percent of their personal fortunes to buy one half of the stock of a corporation which holds a franchise granted by this client. Except for the payment of a percentage of sales to the franchisor, the franchisee operates independently. Conclusion: The firm cannot be considered independent because the partners have a material investment in the franchise which has a close identity in fact and in appearance with the client.

27. A retired partner of an accounting firm plans to accept election as a director of one of the firm's clients. Under the terms of the partnership agreement this partner will continue to share in the earnings of the firm at a reducing rate but would be precluded from participating in the fees from this client if he were to become associated with it either as an employee, officer, director, or shareholder. Conclusion: When a retired partner of an accounting firm accepts a position with a client of that firm, all active connections with the firm must be severed if the firm is to remain independent. If this partner is still receiving retirement benefits from the firm, this severance requirement can be met only if the benefits flow from a fixed settlement payable in predetermined annual amounts.

28. Partner in accounting firm is also a financial vice president and stockholder of a real estate investment trust. In addition, he is a limited partner in a company which manages the trust. A client of his firm has asked him to help them get a loan from the investment trust. Conclusion: Independence for future periods would be adversely affected if the company were to obtain the loan from the real estate investment trust. However, no question would be raised as to periods prior to the commencement of negotiations for the loan.

29. An accounting firm's client, a realtor corporation, is the general partner and 10 percent owner in a limited partnership which owns unimproved land for appreciation. The accounting firm also owns a 5 percent interest in this limited partnership and a partner in the firm has a 2 percent interest. Conclusion: Independence is adversely affected because of this joint investment with the client.

30. Partners in the accounting firm have a common investment with stockholders of a prospective client. These partners own approximately 11 percent of Company A and the other investors, who own approximately 78.5 percent of Company A, also own 22 percent of the prospective client. Conclusion: Independence is adversely affected because the common investment which the partners of the firm have with the substantial minority shareholders of the prospective client is such a circumstance as could lead a third party to question the firm's objectivity.

31. A partner in an accounting firm manages a building owned by an audit client. Conclusion: Independence is adversely affected.

32. An employee of an accounting firm was asked by an audit client to assume part-time management functions for the client. These services would be provided with the full knowledge and consent of the accounting firm and the employee would be paid a monthly retainer directly by the client. Conclusion: This would create an inappropriate relationship and would adversely affect independence.

33. A broker-dealer, an audit client, planned to manage a discretionary account for principals of the accounting firm. The account would be opened as a margin account with a different broker who is not a client. The client, however, would have discretionary authority to execute transactions for the account. No investment in this account could exceed $25,000 nor would it represent a material portion of any of the participants' net worth. Conclusion: Independence is adversely affected in those cases where the broker has extended credit to his accountant or where the accountant has given his client-broker discretionary authority to execute transactions for his account. However, no objection will be raised where an accountant executes his securities transactions in a regular cash account with a broker who is also his audit client if neither cash nor securities is left with the broker beyond a normal settlement period.

34. An accounting firm planned to construct office buildings in which it would occupy a relatively small portion of the space and would rent the remainder to other tenants, some of whom might be clients of the firm. Conclusion: The activity of owning and managing real property is more in the nature of a commercial business activity than of a professional service. Rental of a material amount of space to a client would raise a question of independence since the accounting firm would appear to have a material business relationship with the client. Some reasonable tests which would be applied in determining what constitutes a rental of material amount might be the relationship of a single lease to the fees earned in the office located in the building concerned, total lease rentals from all clients to the firm's total fees, and lease rentals from a particular client to the auditing fee paid by that client for the same period.

35. An accounting firm has its office in a building which is owned by a client. The accounting firm, which occupied approximately 25 percent of the available office space in the building, was the only tenant other than the client. Conclusion: The fact that the accounting firm was the only other tenant in the client's building and leased a substantial portion of the available office space are circumstances that would lead a reasonable third party to question the firm's objectivity. Therefore, independence is adversely affected.

Occupations With Conflicting Interests

Certain concurrent occupations of certified public accountants engaged in the practice of public accounting involve relationships with clients which may jeopardize the certified public accountant's objectivity and, therefore, his independence. In general, this situation arises because the relationships and activities customarily associated with this occupation are not compatible with the auditor's appearance of complete objectivity or because the primary objectives of such occupations are fundamentally different from those of a public accountant. Acting as counsel or as a broker-dealer, or actively engaging in direct competition in a commercial enterprise are examples of occupations so classified and the following discussion relating thereto is intended to be illustrative only. The principles involved are equally applicable to any other undertaking which is similarly referable to them.

Accountant—Attorney. A legal counsel enters into a personal relationship

with a client and is primarily concerned with the personal rights and interests of such client. An independent accountant is precluded from such a relationship under the securities acts because the role is inconsistent with the appearance of independence required of accountants in reporting to public investors.

36. A partner in an accounting firm also acted as legal counsel for an audit client. He received fees for such legal services and, through the accounting partnership, for accounting services rendered concurrently. Conclusion: Independence is adversely affected.

Accountant—Broker-Dealer. Concurrent engagement as a broker-dealer is incompatible with the practice of public accounting. The functions customarily performed in such employment include the recommendation of securities, the solicitation of customers and the execution of orders, any one of which could involve securities transactions of clients either as issuer or investor and provide third parties with sufficient reason to question the accountant's ability to be impartial and objective.

37. A practicing accountant is also a broker-dealer and, functioning as a broker-dealer, makes a market in the stock of an audit client. Conclusion: Accountant is not independent.

38. A partner in an accounting firm is also a principal for broker-dealer A. The accounting firm has been engaged to perform the audit for broker-dealer B. Firm A, which is primarily involved in mutual fund sales, clears some transactions through Firm B. Conclusion: The accounting firm is not independent.

Accountant—Commercial Competitor. Occasionally accountants engage in a commercial business concurrently with the practice of public accounting. Where such commercial business is directly competitive with that of a client, there would appear to third parties to be a conflict of interests which might influence the firm's objectivity since the public accounting firm would have access to the records, policies, and practices of a business competitor of that firm.

39. Four partners in an accounting firm were among the six founders of a company which was engaged in the same type of business and was directly competitive with an audit client. In addition to owning stock, they also served as directors and officers of this company. The accountants informed the president of the client-company of their investment in a business competitor but he did not object to the business venture and permitted them to continue as auditors. Both companies were located in the same geographical area. Conclusion: The accountants were not independent.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JULY 5, 1972.

APPENDIX

PRINCIPAL REFERENCES CONCERNING THE PRACTICE OF ACCOUNTANTS BEFORE THE COMMISSION

Opinions and orders of the Commission:

Cornucopia Gold Mines, 1 SEC (1936).

American Terminals and Transit Co., 1 SEC 701 (1936).

National Boston Montana Mines Corp., 2 SEC 226 (1937).

Rickard Ramore Gold Mines, Ltd., 2 SEC 377 (1937).

Metropolitan Personal Loan Co., 2 SEC 803 (1937).

Interstate Hosiery Mills, Inc., 4 SEC 706 (1939).

A. Hollander & Son, Inc., 8 SEC 586 (1941).

Abraham H. Puder and Puder and Puder, Securities Exchange Act of 1934 Release No. 3073 (1941).

Southeastern Industrial Loan Co., 10 SEC 617 (1941).

Kenneth N. Logan, 10 SEC 982 (1942) (Accounting Series Release No. 28).

Associated Gas and Electric Co., 11 SEC 975 (1942).

C. Cecil Bryant, 15 SEC 400 (1944) (Accounting Series Release No. 48).

Red Bank Oil Co., 21 SEC 695 (1946).

Drayer-Hanson, Inc., 27 SEC 838 (1948).

Cristina Copper Mines, Inc., 33 SEC 397 (1952).

Coastal Finance Corp., 37 SEC 699 (1957).

Sports Arenas (Delaware) Inc., 39 SEC 463 (1959).

American Finance Co., 40 SEC 1043 (1962).

Advanced Research Associates, Inc., 41 SEC 579 (1963).

South Bay Industries, Inc., Securities Act of 1933 Release No. 4702 (1964).

Idaho Acceptance Corp., Securities Exchange Act of 1934 Release No. 7333 (1964).

Dixie Land and Timber Corp., Securities Act of 1933 Release No. 4841 (1966). [For details see initial decision of Hearing Examiner, Administrative Proceeding File No. 3-215.]

Accounting series releases:

No. 2 (1937) Independence of accountants—Relationship to registrant.

No. 19 (1940) McKesson & Robbins, Inc.

No. 22 (1941) Independence of accountants—Indemnification by registrant.

No. 28 (1942) Kenneth N. Logan, 10 SEC 982.

No. 47 (1944) Independence of certifying accountants—Summary of past releases of the Commission and a compilation of hitherto unpublished cases or inquiries.

No. 48 (1944) C. Cecil Bryant, 15 SEC 400.

No. 51 (1945) Disposition of Rule II(e) proceedings against certifying accountant.

No. 59 (1947) Williams and Kingsolver.

No. 64 (1948) Drayer-Hanson, Inc., 27 SEC 838.

No. 67 (1949) Barrow, Wade, Guthrie & Co., Henry H. Dalton and Everett L. Mangam.

No. 68 (1949) F. G. Masquelette & Co., and J. E. Cassel.

No. 73 (1952) Haskins & Sells and Andrew Stewart.

No. 77 (1954) Disposition of Rule II(e) proceedings against certifying accountant.

No. 78 (1957) Touche, Niven, Bailey & Smart, et al., 37 SEC 629.

No. 82 (1959) Bolit and Shapiro, 38 SEC 815.

No. 88 (1961) Myron Swartz, 41 SEC 63.

No. 91 (1962) Arthur Levison and Levison and Co., 41 SEC 150.

No. 92 (1962) Morton I. Myers, 41 SEC 156.

No. 97 (1963) Harmon R. Stone.

No. 105 (1966) Homer E. Kerlin.

No. 108 (1967) Nicholas J. Raftery. [Misspelled in release.]

No. 110 (1968) Meyer Weiner.

No. 112 (1968) Independence of accountants examining a nonmaterial segment of an international business.

Changes in the independence rule:

Article 14, Rules and Regulations under the Securities Act of 1933,[1] Federal Trade Commission, July 6, 1933.

Article 41, Rules, Regulations and Opinions under the Securities Act of 1933 as Amended, April 29, 1935.

Rule 650, General Rules and Regulations under the Securities Act of 1933, January 21, 1936.

Rule 2-01, Regulation S-X, Adopted February 21, 1940, Accounting Series Release No. 12.

Amendments of Rule 2-01:

Accounting Series Release No. 37, November 7, 1942; Accounting Series Release No. 44, May 24, 1943; Accounting Series Release No. 70, December 29, 1950; Accounting Series Release No. 79, April 8, 1958; Accounting Series Release No. 125, June 23, 1972.

[FR Doc.72-11089 Filed 7-18-72;8:51 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Pancreatic Dornase

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-101V) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing revised labeling regarding the safe and effective topical use of pancreatic dornase on animals. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.13 Pancreatic dornase.

(a) *Specifications.* Pancreatic dornase is the enzyme desoxyribonuclease extracted from beef pancreas and lyophilized. It is sterile and packaged in vials containing 100,000 units of the drug.

(b) *Sponsor.* See code No. 023 § 135.-501(c) of this chapter.

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[1] The Securities and Exchange Commission was established under provisions of the Securities Exchange Act of 1934 and was authorized to continue in effect until modified all rules and regulations issued by the Federal Trade Commission under the Securities Act of 1933.

(c) *Special considerations.* The drug should be maintained under refrigeration and used immediately upon reconstitution.

(d) *Conditions of use.* (1) It is used for enzymatic debridement of pathologic conditions in animals.

(2) The drug is reconstituted with sterile water for injection or with sodium chloride injection. The usual dosage is 50,000 to 100,000 units of reconstituted pancreatic dornase alone or with an antibiotic. It is administered as an irrigation or as a wet dressing or is injected directly into the infected area.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7–19–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 7, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–11068 Filed 7–18–72;8:51 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Effective on the date of publication in the FEDERAL REGISTER (7–19–72), Parts 141, 145, 148e, 148h and 148v of Title 21 are amended as follows:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. In §141.101 *Laboratory equipment,* paragraph (b) (1) is changed by deleting the following sentences: "Glass tubes, 16 by 125 millimeters, should be used. These may be of a disposable type." These sentences are to be replaced with the following sentence: "Tubes which give satisfactory results and have uniform length and diameter should be used."

2. In paragraph (a) (10) of § 141.102 *Solutions,* "10*N* sodium hydroxide: 2.0 ml." is changed to read "10*N* potassium hydroxide: 2.0 ml."

3. In § 141.110 *Microbiological agar diffusion assay:*

a. In the table in paragraph (a) under the entry for "Dactinomycin," the "Base layer" column under "Milliliters of media to be used in the base and seed layers" is changed to read "10" instead of "21."

b. In the table in paragraph (a) under the entry for "Gentamicin," the column for "Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar" is changed to read "0.03" instead of "1.5."

c. In the table in paragraph (b) in the column for "Storage time under refrigeration": The entry for "Amphotericin B" is changed to read "Use same day" instead of "1 day;" the entry for "Colistimethate, sodium" is changed to read "Use same day" instead of "1 day;" the entry for "Dactinomycin" is changed to read "3 months" instead of "1 week;" the entry for "Nystatin" is changed to read "Use same day" instead of "1 day."

d. In the table in paragraph (b) under the entry for "Nystatin," in the column for "Final concentrations, units or micrograms of antibiotic activity per milliliter" the phrase "amber low actinic glassware" is changed to read "red low actinic glassware."

4. In § 141.111 *Microbiological turbidimetric assay:*

a. In the table in paragraph (a) under the entry for "Troleandomycin," the column for "Storage time under refrigeration" is changed to read "Use same day" instead of "1 day."

b. In the table in paragraph (a) under the entry for "Tyrothricin," the last column is changed to read "0.140, 0.167, 0.200, 0.239, 0.286 μg."

c. In the first sentence of paragraph (b) after the phrase "proceed as follows: Place 1.0 milliliter," the parenthetical statement "(or 0.1 milliliter in the case of gramicidin and tyrothricin)" is added.

5. In paragraph (b) (3) of § 141.506 *Iodometric assay* after the phrase "each antibiotic product to be tested," the phrase "by diluting to the concentration prescribed in the table in paragraph (b) (2) of this section" is added.

6. In paragraph (c) (4) of § 141.570 *Lincomycin vapor phase chromatography,* the phrase "hydrogen at 22 pounds per square inch" is changed to read "hydrogen at 20 pounds per square inch."

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

7. In paragraph (b) (43) of § 145.3 *Definitions of master and working standards,* the phrase "means a lot of a homogeneous preparation" is changed to read "means a specific lot of a homogeneous preparation."

PART 148e—ERYTHROMYCIN

8. In § 148e.27, paragraph (a) (3) (ii) is changed to read:

§ 148e.27 Erythromycin stearate tablets.

(a) * * *

(3) * * *

(ii) Samples required:

(*a*) The erythromycin stearate used in making the batch: 10 containers, each consisting of not less than 500 milligrams.

(*b*) The batch: A minimum of 36 tablets.

* * * * *

PART 148h—KANAMYCIN SULFATE

9. In § 148h.3 *Kanamycin sulfate capsules,* delete subdivision (ii) (*c*) from paragraph (a) (3).

PART 148v—CANDICIDIN

10. In the third sentence of paragraph (b) (1) of § 148v.2 *Candicidin vaginal tablets,* "20,000 revolutions per minute" is changed to read "2,000 revolutions per minute."

11. In the third sentence of paragraph (b) (1) of § 148v.3 *Candicidin vaginal ointment,* "20,000 revolutions per minute" is changed to read "2,000 revolutions per minute."

12. In § 148v.4 *Candicidin vaginal capsules:*

a. In paragraph (a) (3) (i) (*a*) the word "moisture" is changed to read "loss on drying."

b. In the fourth sentence of paragraph (b) (1), "20,000 revolutions per minute" is changed to read "2,000 revolutions per minute."

Dated: July 10, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc. 72–11069 Filed 7–18–72;8:51 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 505—LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM NATIONAL ENDOWMENT FOR THE ARTS

Miscellaneous Amendments

Functions of the Secretary of Labor and operational responsibilities pertaining to safety and health and wages contained in section 5 (j) and (k) of the National Foundation on the Arts and the Humanities Act of 1965 (79 Stat. 848; 20 U.S.C. 954 (j) and (k)) are now divided between the following offices within the U.S. Department of Labor. The safety and health functions and operational responsibilities were delegated to the Assistant Secretary for Occupational Safety and Health (Secretary of Labor's Order No. 12–71, 36 F.R. 8754). The Director of the Bureau of Labor Standards, U.S. Department of Labor, formerly exercised responsibilities for the Secretary over the requirements pertaining to safety and health (Secretary of Labor's Order No. 12–66, 31 F.R. 12620). The wage functions and operational responsibilities were delegated to the Administrator of the Wage and Hour Division, who is also Deputy Assistant Secretary for Employment Standards (Secretary of Labor's Orders Nos. 13–71 and 15–71, 36 F.R. 8755–56). The Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, formerly exercised responsibilities for the Secretary over the requirements pertaining to wages (Secretary of Labor's Order No. 1–66, 31 F.R. 1274).

Accordingly Part 505 of Title 29 of the Code of Federal Regulations is amended as set forth below to accord with current delegations of authority applicable to its subject matter, to eliminate the requirement for submission of assurances to the Administrator of the Wage and Hour Division/Deputy Assistant Secretary for Employment Standards and Assistant Secretary for Occupational Safety and Health, and to make minor editorial

changes since publication of the present text. As no change in the substantive rules is involved and it is essential that these rules reflect the present allocation of authority for official action thereunder, good cause is found for excepting this document from the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delayed effective date. The following changes are accordingly made effective on publication in the FEDERAL REGISTER (7–19–72).

1. In paragraph (c) of § 505.1 the reference to the "Contract Work Hours Standards Act, 76 Stat. 357, 40 U.S.C. 327" has been changed to read "Contract Work Hours and Safety Standards Act, 76 Stat. 357, 40 U.S.C. 327 note." As amended paragraph (c) of § 505.1 reads as follows:

§ 505.1 Purpose and scope.

* * * * *

(c) Standards of overtime compensation for laborers or mechanics may be found in the Contract Work Hours and Safety Standards Act, 76 Stat. 357, 40 U.S.C. 327 note.

2. In paragraph (c) of § 505.2 the "Wage and Hour and Public Contracts Divisions" has been changed to "Wage and Hour Division/Deputy Assistant Secretary for Employment Standards," and in paragraph (d) of § 505.2 "Director" has been changed to "Assistant Secretary"; and "Director of the Bureau of Labor Standards" has been changed to "Assistant Secretary for Occupational Safety and Health." As amended paragraphs (c) and (d) of § 505.2 read as follows:

§ 505.2 Definitions.

* * * * *

(c) The term "Administrator" means the Administrator of the Wage and Hour Division/Deputy Assistant Secretary for Employment Standards, who exercises responsibilities for the Secretary over the requirements pertaining to wages.

(d) The term "Assistant Secretary" means the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, who exercises responsibilities for the Secretary over the requirements pertaining to safety and health.

* * * * *

3. In paragraph (b) of § 505.4 the words "will furnish" has been changed to read "will maintain on file in Washington, D.C., and make available upon request to"; and, the words "two copies" has been changed to "a copy." As amended, paragraph (b) of § 505.4 reads as follows:

§ 505.4 Receipt of grant funds.

* * * * *

(b) In order to facilitate such assurance so that the grantee may receive the grant funds promptly, the Chairman of the National Endowment of the Arts will transmit to each grantee of a grant under section 5 of the National Foundation on the Arts and Humanities Act of 1965 with the grant letter a copy of these regulations together with two copies of USDL Form No. 1–297. He will advise the grantee that before the grant may be received, the grantee must give assurances that all professional performers and related or supporting professional personnel (other than laborers or mechanics with respect to whom labor standards are prescribed in subsection 5(k) of the Act), will be paid, without subsequent deduction or rebate on any account not less than the minimum compensation determined in § 505.3(a) unless a variation is obtained under § 505.3(b) and that the safety and health requirements under § 505.6 are met. The Chairman will maintain on file in Washington, D.C., for a period of six (6) years and make available upon request to the Secretary the original signed Form USDL No. 1–297 and a copy of the grant letter together with any supplementary documents needed to give a description of the project or production to be financed in whole or part under the grant.

4. In subparagraph (2) of paragraph (b) of § 505.5, "Director" has been changed to "Assistant Secretary," and in paragraph (c) of § 505.5 "Director" has been changed to "Assistant Secretary." As amended paragraphs (b)(2) and (c) of § 505.5 read as follows:

§ 505.5 Adequate assurances.

* * * * *

(b) *Continuing assurances.* * * *

(2) The grantee shall permit the Administrator and the Assistant Secretary or their representatives to investigate and gather data regarding the wages, hours, safety, health, and other conditions and practices of employment related to the project or production, and to enter and inspect such project or production and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether the grantee has violated the labor standards contemplated by section 5(j) of the Act, or which may aid in the enforcement of such standards.

(c) *Determination of adequacy.* The Administrator and Assistant Secretary shall determine the adequacy of assurances within each of their respective areas of responsibilities, given pursuant to paragraphs (a) and (b) of this section and may revise their determination at any time.

(Sec. 5(j), 79 Stat. 848; 20 U.S.C. 954(j); Secretary's Order 1–66, 31 F.R. 1274; Secretary's Order 12–66, 31 F.R. 12620; Secretary's Order 12–71, 36 F.R. 8754; Secretary's Order 13–71, 36 F.R. 8755; and Secretary's Order 15–71, 36 F.R. 8756)

Signed at Washington, D.C., this 12th day of July 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72–11063 Filed 7–18–72;8:48 am]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Rev. 5) Amdt. 44]

OI REG. 1—OIL IMPORT REGULATIONS

Additional Allocations of Crude and Unfinished Oils, Districts I–IV

There appeared in the FEDERAL REGISTER for May 20, 1972, (37 F.R. 10379) a proposal to make additional allocations of imports of crude and unfinished oils to holders of allocations under sections 10 and 29 and to holders of allocations based upon new or reactivated refinery capacity under section 25 of Oil Import Regulation I (Revision 5), as amended.

After careful consideration of the comments received it was decided the regulations should be adopted as proposed with two minor changes for the purpose of clarification. Paragraph (k) of section 25 has been changed to indicate more clearly that additional starter allocations are to be limited to refiners and subparagraph (1) of paragraph (o) of section 29 has been clarified so as to indicate that persons relinquishing a part of an allocation would not receive additional allocations under this paragraph. Also, recalculation of some previously granted allocations has resulted in minor changes in the percentages to be applied to existing allocations.

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER (7–19–72).

J. B. RIGGS,
Acting Assistant Secretary of the Interior.

JULY 14, 1972.

I concur:

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

1. A new paragraph (e), reading as follows, is added to section 10 of Oil Import Regulation 1 (Revision 5), as amended (36 F.R. 24220):

Sec. 10 Allocations; refiners; Districts I–IV.

* * * * *

(e) The holder of an allocation made under this section for the current allocation period shall receive an additional allocation equal to approximately 30.114 percent of the amount of that allocation. Unfinished oils may be imported under such an additional allocation, but imports of such oil shall not exceed 15 percent of the additional allocation.

2. Paragraph (k) of section 25 of Oil Import Regulation 1 (Revision 5), as amended (36 F.R. 17346), is amended to read as follows:

Sec. 25 Allocations of crude and unfinished oils—Districts I–IV, District V—new or reactivated refinery capacity and petrochemical plants—based upon estimated inputs.

* * * * *

(k) The holder of an allocation based upon new or reactivated refinery capacity made under this section of imports into Districts I–IV for the current allocation period shall receive an additional allocation equal to approximately 30.114 percent of the allocation. Unfinished oils may be imported under such an additional allocation, but imports of such oil shall not exceed 15 percent of the additional allocation.

3. A new paragraph (o), reading as follows, is added to section 29 of Oil Import Regulation 1 (Revision 5), as amended (37 F.R. 2439):

Sec. 29 Canadian Imports—Districts I–IV—1972.

* * * * *

(o) (1) Except as provided in the last sentence of this subparagraph (1), the holder of an allocation made under this section for the current allocation period (who has not relinquished all or any part of the same) shall receive an additional allocation of Canadian imports equal to approximately 6.312 percent of that allocation. Paragraphs (g), (h), and (k) of this section 29 shall apply to additional allocations made pursuant to this paragraph (o); however, the date for relinquishment of all or a part of such additional allocations shall be October 15, 1972. No additional allocation shall be in an amount which, when added to the regular allocation of the allocation holder, exceeds the qualified inputs of the allocation holder during the period October 1, 1970, through September 30, 1971.

(2) Except as provided in the last sentence of this subparagraph (2), the holder of an allocation of Canadian imports for the current allocation period made by the Oil Import Appeals Board (who has not relinquished all or any part of the same) shall receive an additional allocation equal to approximately 6.312 percent of the allocation made by the Oil Import Appeals Board. No additional allocation shall be in an amount which, when added to the regular allocation of the allocation holder, exceeds the qualified inputs of the allocation holder during the period October 1, 1970, through September 30, 1971.

[FR Doc.72-11197 Filed 7-17-72;2:57 pm]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72-128R]

PART 151—OIL POLLUTION REGULATIONS

Oil Pollution Prohibited Zones

The purpose of this amendment is to add the sea areas within 100 miles of the coast of the Libyan Arab Republic to the list of oil pollution prohibited zones in 33 CFR 151.30.

The Libyan Arab Republic has deposited with the Intergovernmental Maritime Consultative Organization (IMCO) an Instrument of Acceptance of the 1954 International Convention for the Prevention of Pollution of the Sea by Oil. By the terms of Article XIV(3) of the Convention, 12 UST 2989, as amended, 17 UST 1523, this Instrument of Acceptance automatically makes the sea areas within 100 miles of the coast of the Libyan Arab Republic become part of the Mediterranean and Adriatic Prohibited Zone, as defined in Annex A(2)(c) of the Convention.

Section 1011 of Title 33 of the United States Code requires publication in Coast Guard regulations of extensions of prohibited zones adopted under the Convention. Because of this statutory requirement, notice of public rule making under the Administrative Procedures Act is unnecessary.

In consideration of the foregoing, Part 151 of Title 33 of the Code of Federal Regulations is hereby amended by revising paragraph (b) (3) of § 151.30 to read as follows:

§ 151.30 Prohibited zones.

* * * * *

(b) * * *

(3) Mediterranean and Adriatic Seas—Mediterranean and Adriatic Zone. The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land bordering the Mediterranean and Adriatic Seas along the coasts of Algeria, Arab Republic of Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Maltese Islands, Morocco, Spain, and Syria.

* * * * *

(Sec. 12, 75 Stat. 404, as amended, 80 Stat. 375; 33 U.S.C. 1011(a); 35 F.R. 4959, 49 CFR 1.46(b))

Effective date. This amendment becomes effective on July 24, 1972.

Dated: July 13, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.72-11059 Filed 7-18-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURE COMMODITIES

Phenmedipham

A petition (PP 1F1160) was filed by NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide phenmedipham (methyl *m*-hydroxycarbanilate *m*-methylcarbanilate) in or on the raw agricultural commodity beets at 0.3 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerance from 0.3 part per million to 0.2 part per million (negligible residue).

Based on consideration given the data submitted in the petition and other relevant material), it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.278 is revised to read as follows:

§ 180.278 Phenmedipham; tolerances for residues.

Tolerances are established for negligible residues of the herbicide phenmedipham (methyl *m*-hydroxycarbanilate *m*-methylcarbanilate) in or on raw agricultural commodities as follows:

0.2 part per million in or on beets.

0.1 part per million in or on sugar beet roots and tops.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (7-19-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 6, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-11106 Filed 7-18-72;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 29—Department of Labor

PART 29–60—PROCEDURES FOR SETTLING CONTRACT DISPUTE APPEALS

On May 23, 1972, notice of proposed rule making concerning procedures for settling contract dispute appeals was published in the FEDERAL REGISTER (37 F.R. 10450). No objections were received from the public, but further study by this Department indicates the need for one change. Accordingly, the amendment as proposed is adopted subject to the following change:

1. In paragraph (b) of § 29–60.101, the number of Department of Labor Hearing Examiners is changed from five to eight. As amended § 29–60.101(b) reads as set forth below.

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER (7–19–72).

Signed at Washington, D.C., this 14th day of July 1972.

J. D. HODGSON,
Secretary of Labor.

Sec.

AUTHORITY: The provisions of this Part 29–60 issued under 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 F.R. 3174, 64 Stat. 1263, 5 U.S.C. Appendix.

§ 29–60.000 Scope of part.

This part establishes a permanent Department of Labor Board of Contract Appeals (referred to hereafter as the Board), delegates authority to the Board to hear and decide, pursuant to prescribed policies and procedures, appeals from formal decisions of contracting officers and other officials of the Department of Labor arising under disputes provisions of contracts awarded by the Department, and sets forth the rules of the Board. This part terminates a prior delegation (36 F.R. 5691) of such appellate and review functions to the General Services Administration Board of Contract Appeals, except with respect to cases currently pending before such Board.

Subpart 29–60.1—General Policy; Establishment and Functions of the Board of Contract Appeals

§ 29–60.100 Designation and establishment.

A permanent Department of Labor Board of Contract Appeals is hereby established. The Board shall be composed of members selected and appointed as provided in § 29–60.101 and is designated as the authorized representative of the Secretary of Labor to hear and decide appeals within its jurisdiction as set forth in § 29–60.102 and to perform the designated functions in connection therewith as provided in this part.

§ 29–60.101 Organization and location of the Board.

(a) The Board is located in Washington, D.C.

(b) The Board consists of the Chief Hearing Examiner and eight Department of Labor Hearing Examiners to be appointed by the Under Secretary subject to the approval of the Secretary to serve on the Board, each for a term of 4 years, during the time they are serving under regular full-time appointments as provided in 5 U.S.C. 5108 and qualified to preside at hearings pursuant to 5 U.S.C. 556. The Chief Hearing Examiner shall be the Chairman of the Board. The appeals are assigned to a panel of at least three members of the Board by the Chairman who shall designate one panel member as Chairman of the panel. The decision of a majority of the panel constitutes the decision of the Board.

(c) In the event the Chief Hearing Examiner is temporarily unavailable to serve as Chairman of the Board he shall designate one associate member to serve for the duration of his absence.

§ 29–60.102 Jurisdiction for considering appeals.

(a) Except as stated in paragraph (b) of this section, the Department of Labor Board of Contract Appeals (referred to herein as "the Board" shall consider and determine appeals from decisions of contracting officers and other officials of the Department of Labor arising under contracts which contain provisions requiring the determination of appeals by the head of the agency or his duly authorized representative. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Secretary himself.

(1) When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue.

(b) The authority of the Board does not apply to any matters arising from disputes relating to equal employment opportunity and labor standards.

§ 29–60.103 Powers of the Board.

(a) The Board shall have all the powers of the Secretary of Labor necessary or appropriate to the exercise of the jurisdiction and the performance of the duties provided in paragraph (a) of § 29–60.102, including but not limited to:

(1) The power to administer oaths and affirmations;

(2) The power to conduct hearings, examine and cross-examine witnesses, and to call witnesses;

(3) The power to rule upon offers of proof and admissibility of evidence;

(4) The power to regulate the course of hearings and the conduct of the parties and their representatives therein;

(5) The power to rule upon all motions;

(6) The power to grant or order oral argument before the Board or its designated panel at any stage of the proceeding;

(7) The power to make decisions in conformity with this part;

(8) The power to hold conferences for the settlement, clarification and simplification of issues; and

(9) The power and authority pursuant to 5 U.S.C. 304, to apply to the appropriate U.S. District Court for the issuance

of a subpoena to compel the attendance of a witness at a Board hearing or for the purpose of obtaining the formal testimony of such witness or to compel the production of other evidentiary material necessary for a proper adjudication of the case.

§ 29–60.104 Board of Contract Appeals procedure.

§ 29–60.104–1 Rules.

Appeals referred to the Board are handled in accordance with the rules of the Board (see Subpart 29–60.2).

§ 29–60.104–2 Administration and interpretation of rules.

Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

§ 29–60.104–3 Preliminary procedures.

Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

§ 29–60.104–4 Delegation of authority.

The Chairman of the Board may authorize and direct any individual member of the Board to hold prehearing conferences and/or hearings and receive evidence and arguments in its stead, and to certify the record of the proceedings to the designated panel. The Board member acting pursuant to such authority may exercise any of the powers vested in the Board which are necessary to the proper performance of the functions assigned to him by the Chairman of the Board.

§ 29–60.104–5 Time, computation, and extensions.

(a) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period.

(b) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(c) Except for the period prescribed for filing notices of appeal and requests for reconsideration, an extension of time may be granted by the Board upon written motion by the requesting party stating good cause for such an extension.

§ 29–60.104–6 Representation of parties.

Reference to contractor, appellant, contracting officer, Government, and parties shall include respective representatives of the parties: *Provided,* The appropriate notices of appearance have been filed with the Board. An appellant may appear before the Board in person or may be represented by counsel or by any other duly authorized representative.

Subpart 29–60.2—Rules of the Department of Labor Board of Contract Appeals

§ 29–60.201 Notice of appeal.

Notice of an appeal must be in writing and may be in the form of a letter to the Secretary of Labor. The original notice of appeal, together with two copies, addressed to the Secretary, shall be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract.

§ 29–60.202 Contents of notices of appeal.

A notice of appeal, which may be in the form of a letter, should indicate that an appeal is thereby intended, should identify the decision and the date thereof, from which the appeal is taken, and should furnish the number of the contract in dispute. The appeal should describe the nature of the dispute involved in the decision and the relief sought, the contract provisions involved, and any other additional information or comments relating to the dispute which are considered to be important. The notice of appeal should be signed personally by the appellant (the prime contractor making the appeal) or by an officer of the appellant corporation, or member of the appellant firm, or by the contractor's duly authorized representative or attorney.

§ 29–60.203 Forwarding of appeals.

When a notice of appeal is received by the contracting officer, he shall transmit, directly to the Board, the original of the notice of appeal, together with the original of the envelope in which the notice of appeal was received with the date of receipt stamped thereon, and any receipt from the appellant showing the date of receipt of the decision of the contracting officer, or shall furnish information as to the date when his decision was received by the appellant. A copy of the same material shall be simultaneously furnished to the Solicitor of Labor. When the Board receives the original or copy of a notice of appeal from a source other than the contracting officer, the contracting officer shall be advised promptly, given a copy of the notice, and shall be requested to follow the same procedure as if he had received the notice directly from the appellant.

§ 29–60.204 Acknowledgment of appeal and distribution.

After the Board receives a notice of appeal, it will promptly acknowledge receipt thereof to the appellant, who shall be furnished a copy of these rules. The Board simultaneously will transmit copies of appropriate documents to the contracting officer, and the Solicitor of Labor.

§ 29–60.205 Appeal file.

§ 29–60.205–1 Preparation and submission.

Following receipt of the notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Board an appeal file consisting of copies of all documents pertinent to the appeal, together with an index listing the documents. The contracting officer shall simultaneously transmit two copies of the appeal file to the Solicitor of Labor and shall retain one copy in his office. There should be included:

(a) The decision from which the appeal is taken and any findings of fact made in connection therewith, and the letter or letters or other documents of claim in response to which the decision was issued;

(b) The contract and pertinent plans, specifications, amendments, and change orders;

(c) Correspondence between the parties and other data pertinent to the appeal;

(d) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(e) Such additional information as may be considered material.

§ 29–60.205–2 Notification to appellant.

Upon receipt of the foregoing appeal file, the Board shall notify the appellant, provide him with a listing of its contents, and shall afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board, for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. The Board also will promptly advise the parties regarding any later documentation of the appeal file.

§ 29–60.206 Pleadings.

§ 29–60.206–1 Complaint.

Within 30 days after receipt of notice of docketing of the appeal by the Board, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise, and direct statements of each claim, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. Upon receipt thereof, the Board shall serve a copy upon the Solicitor of Labor. Should a complaint not be mailed or otherwise filed within 30 days, appellant's claim and notice of appeal shall be deemed to set forth its complaint and the Solicitor of Labor shall be so notified.

§ 29–60.206–2 Answer.

Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, the Solicitor of Labor shall prepare and file with the Board an original and two copies of an answer thereto,

setting forth simple, concise, and direct statements of its defenses to each claim asserted by appellant. This pleading shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant.

§ 29–60.206–3 Amendment of pleadings.

The Board may, in its discretion, and within the proper scope of the appeal, permit or require either party to amend its pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or documentation described in § 29–60.206, are tried by express or implied consent of the parties, or by permission of the Board they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the appeal file (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance, if necessary, to enable him to meet such evidence.

§ 29–60.207 Motions.

§ 29–60.207–1 Types.

The Board may entertain the following motions:

(a) To dismiss for lack of jurisdiction;

(b) To dismiss the appeal for failure by the contractor to state a claim for which relief can be granted;

(c) To dismiss the appeal for failure of the contractor to prosecute;

(d) To grant the appeal for failure of the Government to prosecute its defense; or

(e) Such other motions as may be appropriate.

§ 29–60.207–2 For lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board, and any reply thereto, shall be promptly filed. Oral argument on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time, and on its own motion, to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 29–60.208 Hearing election.

Upon receipt of the Government's answer, appellant promptly shall advise the Board whether it desires a hearing, as prescribed in § 29–60.217, or whether in the alternative it elects to submit its case on the record without a hearing, as prescribed in § 29–60.211. In appropriate cases, the appellant also shall elect whether it desires the optional accelerated procedure prescribed in § 29–60.212. The Government also shall have the right to request a hearing, and the Board may direct that a hearing be held upon its own motion.

§ 29–60.209 Prehearing briefs.

Based on an examination of the documentation described in the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 29–60.208. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as arranged.

§ 29–60.210 Prehearing conference.

Whether the case is to be submitted pursuant to § 29–60.211, or heard pursuant to § 29–60.217, the Board may upon its own initiative, or upon the application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute; and

(e) Such other matters as may aid in the disposition of the appeal.

Such conferences shall be on the record at the discretion of the presiding Board member. The results of the conference shall be reduced to writing by the presiding Board member, and this writing or any transcript of the conference shall thereafter constitute part of the record.

§ 29–60.211 Submission without a hearing.

Where neither party desires a hearing, and the Board does not require one, the Board's decision will be based upon the available record as furnished by the parties.

§ 29–60.212 Optional accelerated procedure.

(a) An appeal involving sums not in excess of $10,000 shall be handled under this rule at the written request of the appellant and upon concurrence of the Board.

(b) The appeal will be decided on the basis of the available record as furnished by the parties unless a hearing has been requested by either party, or unless the Board orders a hearing.

(c) With the concurrence of the Government, the appeal shall be decided by the chairman of the panel to which the appeal has been assigned. For this purpose, the chairman of the panel is vested with all the authority and power of the full Board to hear, consider, and decide the appeal. At the discretion of the panel chairman, the panel shall participate in the decision.

(d) Under this accelerated procedure, the decision will be issued on an expedited basis, without regard to its normal position on the docket, and will be rendered in summary form unless other action appears indicated.

§ 29–60.213 Closing of the record.

§ 29–60.213–1 Time of submission for decision.

A case submitted on the record pursuant to § 29–60.211 or § 29–60.212 shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are ordered to be submitted by the Board.

§ 29–60.213–2 Record bases for decision.

The record shall consist of the appeal file described in § 29–60.205–1, and any additional material, pleadings, briefs, records of conferences, depositions, interrogatories and answers, admissions, transcripts of hearing, and hearing exhibits.

§ 29–60.213–3 Availability of record.

This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Clerk of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

§ 29–60.214 Depositions.

§ 29–60.214–1 When permitted.

After an appeal has been docketed, the Board may, upon motion of either party filed with the Board, with notice thereof to the other party, upon good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery.

§ 29–60.214–2 Orders on depositions.

The time, place, and manner of taking depositions shall be governed by order of the Board.

§ 29–60.214–3 Use as evidence.

No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. Testimony will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be

used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise decided on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

§ 29–60.214–4 Expenses.

All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition upon paying therefor.

§ 29–60.215 Interrogatories to parties, production and inspection of documents.

§ 29–60.215–1 Interrogatories to parties.

After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days from date of service. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted. The scope and use of interrogatories will be controlled by § 29–60.214.

§ 29–60.215–2 Production and inspection of documents.

Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions of making the inspection and taking the copies and photographs.

§ 29–60.216 Service of papers.

Except where these rules specifically provide for service of documents by the Board, all motions, answers, briefs, notices, and all other papers filed with the Board shall be served by the filing party on the opposing party. Service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy of the document to the opposing party or its counsel. There shall be attached to the original of each document filed with the Board a certificate of service signed by the filing party stating that service has been made.

§ 29–60.217 Hearings.

§ 29–60.217–1 Where and when held.

Hearings ordinarily will be held in Washington, D.C., except that upon request and upon good cause shown, the Board may, in its discretion, set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may, in its discretion, advance or postpone a hearing.

§ 29–60.217–2 Notice of hearings.

The parties shall be given at least 15 days' notice of the time and place set for hearings. In scheduling hearing dates, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notice of hearing shall be acknowledged promptly by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted the case upon the Board record as provided in § 29–60.211.

§ 29–60.217–3 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearings will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 29–60.211.

§ 29–60.217–4 Nature of hearings.

Hearings will be as informal as reasonably permissible, and will seek to provide the Board with the pertinent facts and the positions of the parties as a basis for the Board's decision or recommendation. The parties may offer such relevant evidence or argument as they deem appropriate; subject, however, to the exercise of reasonable discretion by the presiding member of the Board in supervising the extent and manner of presenting such evidence. The weight to be attached to any evidence presented will be determined by the Board.

§ 29–60.217–5 Examination of witnesses.

Witnesses before the Board may be examined orally under oath or affirmation, unless the facts are stipulated, or the presiding Board member shall otherwise order. If the testimony of a witness is not given under oath, the presiding Board member may, if he deems it expedient, warn the witness that his statements may be subject to the provisions of 18 U.S.C. 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 29–60.217–6 Copies of papers.

(a) All documents offered in evidence at a hearing must be submitted in triplicate.

(b) When books, records, papers, or documents have been received in evidence, a true copy thereof, or of such part thereof as may be material or relevant, may be substituted therefor during the hearing or at the conclusion thereof.

§ 29–60.217–7 Posthearing submissions.

Unless otherwise directed by the Board, the parties will submit simultaneous briefs within 30 days of the receipt of the transcript, and reply briefs within 20 days of receipt of the initial briefs.

§ 29–60.217–8 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Department and the reporting firm.

§ 29–60.217–9 Withdrawal of exhibits.

After a decision has become final, the Board may, upon request and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 29–60.218 Representation of parties.

§ 29–60.218–1 Representation of appellant.

An appellant may appear before the Board in person or may be represented by counsel or by any other duly authorized representative.

§ 29–60.218–2 Representation of Government.

Counsel designated by the Solicitor of Labor shall represent the interests of the Department before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever it appears that appellant and the Solicitor's Office are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however,* That if the Board is advised by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's docket.

§ 29–60.219 Decisions of the Board.

Decisions of the Board will be made in writing and a certified copy thereof will be forwarded to appellant. Copies also will be sent to the Solicitor of Labor and to the contracting officer.

§ 29–60.220 Motions for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion. The opposing party shall have the right to file an answer to such motion within 30 days from the date of receipt of the motion for reconsideration, and either party shall have the right to request an oral argument. Reconsideration of a decision, which may include oral argument, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 29–60.221 Dismissal without prejudice.

Where appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board, and in any such case where the suspension has continued, or it appears that it will continue for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

§ 29–60.222 Remands from courts.

Whenever any matter is remanded to the Board from any court for further proceeedings, each of the parties shall, within 20 days of such remand, submit a report to the Board, recommending procedures to be followed in order to comply with the court's order. The Board will review the reports and enter special orders governing the handling of matters remanded to it for further proceedings by any court, to the extent the court's directive and time limitations will permit, such orders will conform to these rules.

§ 29–60.223 Standards of conduct.

No member of the Board shall consider an appeal if he has participated in the awarding or administration of the contract in question. There shall be no communication between any party to an appeal and a Board member or Board employee concerning the merits of the appeal, unless such communication (if written) is also furnished to the other party. The Board also shall exercise care to avoid receiving, except as part of the formally established appeal record, any information having a substantial bearing upon an appeal from persons who do not represent a party in the appeal, but nonetheless have an interest in the decision to be rendered.

Subpart 29–60.3—Transitional Provisions

§ 29–60.301 Appeals in progress.

All appeals pending before the General Services Administration Board of Contract Appeals on the effective date of the rules in this part (i.e., those with respect to which a notice of appeal had been properly filed before such date) shall be processed in accordance with Department of Labor appeals procedures heretofore in effect. All other appeals pending in the Department on such date shall be processed under the procedures in effect at the time the notice of appeal was filed.

[FR Doc.72–11064 Filed 7–18–72;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55 (Sub-Nos. 6 and 7)]

PART 1003—LIST OF FORMS

PART 1041—INTERPRETATION; CERTIFICATES AND PERMITS

Territorial and Commodity Description Clarifications

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of June, 1972, Ex Parte No. 55 (Sub-No. 6), in re amendment of Application Form OP–OR–9 (Territorial Description Clarification); Ex Parte No. 55 (Sub-No. 7), in re amendment of Application Form OP–OR–9 (Commodity Description Clarification).

It appearing, that the Alaska Carriers Association, Inc., and the Hawaii Trucking Association, Inc., jointly filed a petition on November 3, 1971, seeking amendment of application form OP–OR–9; that amendment of application form OP–OR–9 as proposed by these petitioners would relieve Alaskan and Hawaiian motor carriers of filing unnecessary protests to applications which fail to specify whether authority is being sought from, to, or between points in Alaska or Hawaii; that this Commission would not be required to make unnecessary expenditures of time and money on applications which are protested because of the ambiguity in the territorial authority sought concerning Alaska and Hawaii; and that procedures for seeking authority to serve points within these States would be clarified and standardized;

It further appearing, that the National Tank Truck Carriers, Inc., filed a petition on December 22, 1971, seeking amendment of application form OP–OR–9, by including a section in the application form specifically requiring applicants to state whether or not they seek authority to transport commodities in bulk; that while the amendment of application form OP–OR–9 as proposed by this petitioner would relieve motor carriers of bulk commodities of filing protests to applications which fail to specify whether authority is being sought to transport commodities in bulk, such an amendment would create numerous interpretative problems especially in the interpretation of certificates which do not specifically exclude commodities in bulk; that if this relief were granted, similar relief would have to be considered by this Commission with respect to each special interest group requesting such action; and that such possible frequent revisions in the involved application form is neither economically nor administratively desirable;

It further appearing, that we have considered other possible methods of improving the involved application form; that it has been suggested that the addresses of supporting shippers be required on their certificates of support; that such an amendment would allow persons planning to participate in an application proceeding to easily locate a shipper's facilities and would eliminate protests which are filed to protect interests because of the participants' inability to determine a shipper's location; that it has also been suggested that the transportation of hides should not be included in any grants of authority by this Commission unless specifically requested in the application; that "hides" is included in the commodity description, "articles distributed by meat packinghouses," as described in section C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766; and that the benefits that would accrue to potential protestants by requiring applications to specifically request authority to transport hides would be outweighed by the ambiguity and unnecessary duplication in applications for authority to transport articles distributed by packinghouses and the problems that would arise when applicants failed to request specific authority for hides but did ask for all the packinghouse articles included in the descriptions case which includes hides.

It further appearing, that codification of this Commission's interpretation of certificates, permits, and licenses authorizing service to, from, and between points in Hawaii is necessary and desirable in the interest of clarity and uniformity of interpretation;

It further appearing, that pursuant to section 553 of the Administrative Procedure Act, notices of the filing of the petitions of November 3 and December 22, 1971, were published in the FEDERAL REGISTER; that the notices stated that no oral hearing was contemplated, and persons desiring to participate in these proceedings were invited to file representations supporting or opposing the relief sought; that W. S. Hatch Co., and Miller Transporters, Inc., individually, and Chemical Leaman Tank Lines, Inc., and Liquid Transporters, Inc., jointly, filed representations supporting the relief sought in the Sub-No. 7 proceeding; and that Tajon, Inc., filed a representation opposing the relief sought in the Sub-No. 7 proceeding;

And it further appearing, that the evidence submitted amply warrants the action set forth below; but otherwise fails to warrant the granting of any of the additional relief sought;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition in Ex Parte No. 55 (Sub-No. 6), except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That the petition in Ex Parte No. 55 (Sub-No. 7), be, and it is hereby, denied.

It is further ordered, That application form OP–OR–9, be, and it is hereby,

amended as set forth in the appendix hereto.[1]

(Secs. 206 and 209; 49 Stat. 551 as amended, 49 U.S.C. 306; 49 Stat. 552 as amended, 49 U.S.C. 309)

§ 1003.1 [Amended]

It is further ordered, That Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended so that the sentence in § 1003.1, under the subheading OP-OR-9, shall read as follows:

Application for motor carrier certificate or permit, revised August 21, 1972.

It is further ordered, That Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended so as to add to Part 1041 a new § 1041.11(a) which shall read as follows:

§ 1041.11(a) Service to, from, and between points in Hawaii.

Certificates and permits issued to motor carriers, licenses issued to brokers, and permits issued to freight forwarders, prior to August 21, 1959, authorizing service from a point or area "to points in the United States" are interpreted as authorizing service from the originating point to points in the District of Columbia and the 48 States constituting the United States prior to the admission of Alaska and Hawaii; those authorizing service from "points in the United States" to particular destination points or areas are interpreted as authorizing service from points in the District of Columbia and the 48 States constituting the United States prior to the admission of Alaska and Hawaii to the specified destination points or areas; those authorizing service "between points in the United States" are interpreted as authorizing service between points in the District of Columbia and the 48 States constituting the United States prior to the admission of Alaska and Hawaii; and those authorizing service at points described in text which depends for its meaning upon the definition of "States" or "United States" are interpreted as authorizing service at only those points which were within the meaning of the text at the time of issuance thereof.

(Secs. 207, 208, 209, 211, 403, 310, 49 Stat. 551, 552, as amended, 554, as amended, 546, as amended, 56 Stat. 285, 291, as amended; 49 U.S.C. 307, 308, 309, 311, 1003, 1010)

It is further ordered, That this order shall become effective on August 21, 1972, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11122 Filed 7-18-72;8:53 am]

[Ex Parte No. MC-19 (Sub No. 9)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Correction

On June 15, 1972 (37 F.R. 12324, June 22, 1972), a report in this matter was issued containing an omission which is hereby corrected, specifically:

In § 1056.19(a), the final line should read: "be filed on or before October 31, 1972".

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11042 Filed 7-18-72;8:47 am]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 280]

PART 1311—SPECIAL PROCEDURES FOR TARIFF FILINGS UNDER THE WAGE AND PRICE STABILIZATION PROGRAM

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 13th day of July, 1972.

The Interstate Commerce Commission, by order approved January 19, 1972, adopted revised rules and regulations prescribing special procedures for tariff filings under the wage and price stabilization program. These rules and regulations require revision to conform to, and to implements, 6 CFR 300.16a of the regulations of the Price Commission, as revised March 17, 1972, 37 F.R. 5701, March 18, 1972. The Price Commission, on this date, has notified this Commission that the regulations being approved herewith have been approved by it pursuant to the provisions of 6 CFR 300.16a (d). Therefore, and for good cause appearing:

It is ordered, That pursuant to authority of sections 6(6), 217(a), 218(a), 306(b), 306(c), and 405(b) of the Interstate Commerce Act, 49 U.S.C. 6(6), 317(a), 318(a), 906(b), 906(c), and 1005(b), and the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, October 16, 1971; and § 300.16a of the regulations of the Price Commission, 37 F.R. 5701, March 18, 1972, Part 1311 is revised to read as follows:

Sec.
1311.0 General provisions; applicability.
1311.1 Procedures governing the filing of schedules.
1311.2 Other procedures and provisions.
1311.3 Reservation of jurisdiction.
1311.4 Reporting.

AUTHORITY: The provisions of this Part 1311 are issued under sec. 6(6), 217(a), 218(a), 306(b), 306(c), and 405(b) of the Interstate Commerce Act, 49 U.S.C. 6(6), 317(a), 318(a), 906(b), 960(c), and 1005(b), and the Economic Stabilization Act of 1970, as amended, Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, October 16, 1971; and § 300.16a of the regulations of the Price Commission, 6 CFR 300.16a, 37 F.R. 5701, March 18, 1972.

§ 1311.0 General provisions; applicability.

(a) These rules and regulations are promulgated in furtherance of the economic stabilization program, as announced by Executive Order No. 11627, and in implementation of the regulations of the Price Commission appearing at 6 CFR 300.16a.

(b) These rules and regulations, subject to such exemptions as have been or may be issued from time to time by the Cost of Living Council, shall be binding upon all carriers subject to Parts I, II, III, and IV of the Interstate Commerce Act, shall be effective at 12:01 a.m. on the day following their publication in the FEDERAL REGISTER, and shall remain in effect until further order of the Commission.

(c) The economic stabilization program requires, and the Commission shall find in any case in which an order is entered, that every increase (whether or not it is a "reportable increase" as defined in this part) in the rates, as defined in section 15a(1) of the Interstate Commerce Act (49 U.S.C. 15a(1)), for transportation services subject to Parts I, II, III, and IV of the Act—

(1) Is cost-justified and does not reflect future inflationary expectations;

(2) Is the minimum increase required to assure continued, adequate, and safe service or to provide for necessary expansion to meet future requirements for transportation services;

(3) Is the increase which will achieve the minimum rate of return needed to attract capital at reasonable costs and not to impair the credit of the carrier;

(4) Does not reflect labor costs in excess of those allowed by Price Commission policies; and

(5) Takes into account expected and obtainable productivity gains.

(d) For the purposes of this part, a "reportable increase" shall include, first, any general increase in rates published by a rate bureau, conference, or similar organization of carriers subject to the Act, and second, any increase in rates which either alone or together with any other increase effective during the preceding 12 months, would increase by more than 1 percent the aggregate annual revenues of any carrier subject to Parts I or IV of the Act

[1] Appendix filed as part of the original document.

which, alone or together with any other carrier subject to the Act which controls, is controlled by, or is under common control with such carrier, has annual revenues of $50 million or more, or any carrier subject to Parts II or III of the Act which, alone or together with any other carrier subject to the Act which controls, is controlled by, or is under common control with such carrier, has annual revenues of $20 million or more, except that the term "reportable increase" shall not include:

(1) The cancellation of obsolete tariff matter; that is, tariff matter under which no traffic was transported or service performed during the 90 days immediately preceding the proposed change, unless the absence of traffic during that time is accounted for by regular seasonal fluctuation of shipments.

(2) The publication of initial rates for newly authorized service.

(3) Increases resulting from bona fide tariff republication and/or updating in response to Commission orders or findings, as in Ex Parte proceedings, and from the correction of publication errors.

(4) Increases in the minimum or actual rates of motor and water contract carriers.

(5) Increases in negotiated rates offered the United States by a carrier, including any rates applicable to transportation performed pursuant to section 22 of the Act (49 U.S.C. 22).

(6) Changes to section 409 contracts between motor carriers and freight forwarders.

(7) Rate increases prescribed under section 13(4) of the Act (49 U.S.C. 13).

§ 1311.1 Procedures governing the filing of schedules.

(a) A "reportable increase" shall be published to become effective on no less than 30 days' notice.

(b) At the time a "reportable increase" is filed with the Interstate Commerce Commission, the carrier or rate bureau, conference, or similar organization requesting such increase shall submit sufficient evidence under certification by its chief executive or other responsible officer which will enable the Commission to determine:

(1) The former or existing rate, the new or proposed rate and the percentage increase;

(2) The dollar amount of the increased revenue which the increase is expected to provide;

(3) The expected change resulting from the increase in the carrier's net operating income expressed as a percentage of total operating revenue;

(4) The amount by which the increase will increase the carrier's overall rate of return on capital computed as (i) the ratio of net carrier operating income to net investment in transportation property (including property leased to others), and (ii) the ratio of net income to shareholders' equity, excluding intangibles; and

(5) That the criteria described in § 1311.0(c) have been met.

(c) A carrier, to the extent authorized by law, may participate with other carrier parties to a rate bureau, conference or similar organization to propose a "reportable increase," in which event the rate bureau, conference or similar organization may submit the evidence required by paragraph (b) of this section and this paragraph (c) based upon cost, traffic, and other data compiled on the basis of membership or territorial averages. The procedures regarding combination of carriers for traffic and cost study purposes set forth in Ex Parte No. MC–82, New Procedures in Motor Carrier Revenue Proceedings, 340 I.C.C. 1 (1971) meet this requirement with respect to motor carriers of property.

§ 1311.2 Other procedures and provisions.

(a) Schedules containing rate increases other than "reportable increases" shall be filed as otherwise provided in this subchapter.

(b) The regulations of the Interstate Commerce Commission applicable to participation in its proceedings are equally applicable to proceedings governed by the provisions of this part.

(c) Any person may oppose any proposed increase (whether or not it is a "reportable increase" as defined in this part) on the ground that it fails to conform to the provisions of this part.

(d) Where it is established by the proponent, and where the Commission so finds, that extraordinary circumstances exist which would result in gross inequity or extreme hardship should a proposed increase not be allowed, an increase may be approved even though the showing required by § 1311.0(c) or § 1311.1(b) has not been met.

§ 1311.3 Reservation of jurisdiction.

Notwithstanding the foregoing, the Commission specifically reserves the right to inquire into any increase in the rates, fares and charges of any carrier subject to Parts I, II, III, or IV of the Interstate Commerce Act, including those exempted under § 1311.0(d), to determine whether it conforms to the goals and objectives of the price stabilization program.

§ 1311.4 Reporting.

On and after the effective date of these rules, the Commission shall make available to the Price Commission such periodic reports or other information as the Price Commission may require by regulation or otherwise.

APPENDIX

NOTE: The comments on the Commission's economic stabilization regulations, 49 CFR 1311, contained in this appendix should be read as an integral part of those regulations. Their provisions are equally as binding as the regulations themselves upon the Commission and upon all parties to proceedings covered by the regulations.

Section 1311.0 General provisions; applicability. a. This paragraph identifies the regulations as those issued to implement the economic stabilization program.

b. This paragraph establishes as the effective date of the regulations the day following their publication in the FEDERAL REGISTER, and makes them applicable to all carriers regulated by the Interstate Commerce Commission. These are: Under Part I, railroads, electric railroads, private car companies, express companies, and pipeline companies transporting oil and other commodities except water and gas; under Part II, motor carriers of passengers and property and brokers of transportation by motor vehicle; under Part III, maritime and inland and coastal water carriers; and under Part IV, freight forwarders.

This paragraph also incorporates by reference any exemption from the requirements of the economic stabilization program granted by the Cost of Living Council. For example, businesses with less than 60 employees, subject to certain qualifications, are exempted by the Council's regulations appearing at 6 CFR 101.51.

c. The Commission's regulations (§ 1311.0 (d) define and describe as "reportable increases" those increases in rates and charges which are most likely to have a significant impact upon the overall economy. The regulations further provide that increases coming within that category must, at the time they are filed, be supported by accompanying data sufficient to enable the Commission to determine, in advance of their effective date, that they conform to the objectives of the economic stabilization program. Section 1311.0(c) makes it clear that all increases, even if they are not in the reportable increase" category for which advance justification must be filed, nevertheless must conform to the goals of the program; and it provides that the Commission will make a finding of compliance in any rate increase matter where an order is issued. For a definition of the term "rates" this subsection refers to the definition contained in section 15a(1) of the Interstate Commerce Act:

> When used in this section the term "rates" means rates, fares, and charges, and all classifications, regulations, and practices relating thereto.

Thus when used in the regulations, the term "rates" is intended to include every kind of price for transportation services which are subject to the Commission's regulatory jurisdiction, unless specifically exempted by the regulations themselves or by the Cost of Living Council.

Finally, this paragraph sets forth the general criteria by which compliance with the Price Stabilization Program is to be measured.

1. This subparagraph introduces into the Commission's rules the basic cost standard: that an allowable increase must be cost based and not reflect "future inflationary expectations." The most recent recorded data available to the carrier on an annual basis shall be used to establish its actual costs for providing service. These costs must further be adjusted to reflect known changes in costs occurring during the test period not reflected in test period data. Changes in costs occurring subsequent to the test period will be considered and taken into account only if found by the Commission to be appropriate. Adjustments will be made to eliminate the effects of conditions reflected in the test period data which are found to be abnormal or unrepresentative.

Adjustments for changes in test period costs will not be made unless either: (a) The change is found to be subject to definite computation or reasonable estimation, or (b) in exceptional instances, a cost adjustment is dictated by overriding considerations of public policy and the Commission finds that such adjustment should be allowed, because of such considerations of public policy, despite difficulties in estimation. In the case of adjustments falling within the latter category, the Commission will require periodic

reporting, or impose other protective conditions, to assure that the funds allowed are expended for the purpose intended. In no case will an adjustment be made on the basis of general predictions of increased costs.

2. In applying the terms of this subparagraph, rate increases to the extent necessary to cover costs associated with safety, expansion of service, improvement of service, or environmental or ecological protection will be allowed where definitely and quantitatively ascertainable, but will not be allowed where there has not been a finding that those costs qualify as test period adjustments in rate proceedings as required under the provisions of § 1311.0(c)(1).

3. It has consistently been the position of the Commission that the carriers it regulates should be allowed to set their rates at a level which would permit them to enjoy a reasonable rate of return on their investment in transportation property and to attract needed capital at reasonable cost. It is the purpose of this paragraph to make clear that the price stabilization guidelines shall not be construed so as to preclude an adequate return, and to make equally clear that an excessive return will not be permitted. The proponent of an increase should be prepared to establish that the higher level of rates proposed will result in a return on investment no greater than the minimum necessary to attract needed capital and not to impair credit. Such a showing must be made by positive evidence, as reliance upon traditionally accepted rate of return levels will not be deemed adequate.

In determining the appropriate rate of return or operating ratio, the Commission will consider the capital structure of the applicant at or near the date the applicant's increased rates will become effective. Costs of various components of the capital structure—interest on bonds, dividends on preferred stock, return on common stock—will be computed as of that date. The rate of return, or operating ratio where applicable, allowed by the Commission will not reflect expectations of future inflation.

4. This paragraph provides that a wage or salary payment in excess of labor costs allowed by Price Commission regulations and policies will not be given effect for rate purposes. An application for a rate increase which is based in whole or in part on increased wages or salaries in excess of those allowed by Price Commission regulations will be allowed only with respect to the portion of the wage settlement or salary increase which does not exceed Price Commission regulations or policies. At the present time, the Price Commission's guidelines provide in general that wage or salary increases in excess of 5.5 percent per year are not allowable unless the increase is required by a contract which became binding before November 8, 1971, or unless the excess cost would work an undue hardship on the employer if it were disallowed.

Cases involving wage or salary increases in excess of 5.5 percent per year, not covered by a prior contract, necessarily must be considered on a case-by-case basis in order to determine whether undue hardship would result from disallowing that portion of the increase in excess of 5.5 percent per year.

5. Expected productivity gains will be taken into account to the extent that the Commission finds that they are susceptible to quantitative measurement in accordance with the requirements of § 1311.0(c)(1). In particular, all productivity gains associated with increases in costs for which adjustments are allowed must be considered with a view to achieving a consistent and balanced projection of operating experience. Where productivity gains are not susceptible to quantitative measurement, the Commission will make a specific finding to that effect in any case in which an order is entered.

Obtainable productivity gains will be taken into account by identifying, to the extent practicable, any present or projected expenditures of the carrier which are wasteful or unnecessary. A finding will be made by the Commission, in any case in which an order is entered, as to the ability or inability of a carrier to reduce its cost of operation by eliminating or curtailing wasteful or unnecessary expenditures, and where the Commission finds that there is the ability to reduce costs, the wasteful or unnecessary expenditures will be disallowed in computing costs for ratemaking purposes.

d. This paragraph provides the definition of "reportable increase" already referred to above. First, "reportable increases" are defined as those generally characterized in the transportation industry as general increases. These are normally general revenue proposals filed by rate bureaus or conferences established under section 5a of the Interstate Commerce Act which seek to increase the revenue levels of all or a significant number of member carriers.

Second, a "reportable increase" is defined to include one that is large enough to result in an increase of 1 percent or more in the annual gross revenues of the largest regulated carriers. Carriers which are required to justify in advance such an increase are those with annual gross revenues of $50 million or more and which are subject to Part I (railroads, oil pipelines, express companies, and private car companies) and Part IV (freight forwarders); and those with annual gross revenues of $20 million or more which are subject to Part II (primarily motor carriers) and Part III (maritime and inland and coastal water carriers).

This paragraph also provides for seven specific exemptions from the definition of "reportable increase":

1. *Obsolete tariff matter.* Many rate publications could theoretically result in an increase in transportation charges, and every such publication must be identified in the tariff by an appropriate tariff symbol signifying that an increase is proposed. However, a large number of rate changes preceded by the increase symbol actually result in no increase in cost to an actual user. For example, if a commodity rate has been on file but has lapsed into disuse, a carrier may propose to cancel that rate simply to reduce the size of its published tariffs. With the elimination of the commodity rate, any traffic which might have moved under it would have to move under a class rate instead, and such a rate would usually be higher. However, if no traffic at all is moving under the commodity rate, it follows that none would move under the class rate either. Thus, even though the tariff change could theoretically result in an increase, the fact is that no actual user would be paying a higher price for the transportation. This type of tariff change is excluded from the definition of "reportable increases".

2. When a new carrier operation is authorized by the Commission—for example, when a motor common carrier is granted a certificate of public convenience and necessity—actual issuance of the certificate, permit, or license evidencing such authority is conditioned upon the successful applicant's first filing lawful rates with the Commission. As a matter of practice, the initial rates for a newly authorized service must conform to the generally prevailing level of rates already in effect for similar services. Thus even though the initial publication may appear in the tariff as an increase, it is not considered necessary to subject this kind of rate publication to the Commission's price stabilization requirements.

3. *Tariff republication.* It has been common in recent years for the Commission to authorize general increases in transportation rates which may be reflected, for a short period, by the publication of a master increase tariff. Such a master tariff provides that rates contained in earlier, but still effective, tariffs are increased by a specific amount. The Commission then requires that tariff publications be updated so that the master tariff may be eliminated and the general increase ultimately reflected in the rate published for each individual service. In the case of such tariff republications and updating, many increases and decreases in individual rates occur in the course of rounding off the general increase to make it applicable to specific rates. Increases of this kind are exempt from the price stabilization requirements.

4. *Increases in the rates or charges of contract carriers.* These carriers are of relatively small size and do not join together to publish rate increases as do many common carriers. Contract carrier rates are necessarily negotiated with the contracting shipper, and it is believed that competitive forces should be adequate to insure that they are not inflationary.

5. *Increases negotiated with the United States.* The Commission has little control over rates negotiated between a carrier and the Federal Government, and such rates almost inevitably reflect transportation charges lower than those which must be paid by the general public under a carrier's published tariff. These rates are excluded from the definition of "reportable increase."

6. *Contracts between motor carriers and freight forwarders.* Under section 409 of the Act, motor common carriers may contract with freight forwarders to serve them at rates and charges agreed upon between them. The forwarders are themselves common carriers, purchasing underlying transportation from regulated carriers, and must publish and charge their own rates, which are subject to the economic stabilization guidelines.

7. *Section 13 increases.* Under section 13(4) of the Act, intrastate rates which are found by the Commission to cause undue or unreasonable preferences or advantages to persons or localities in intrastate commerce, as opposed to those in interstate commerce, are forbidden and declared unlawful. Commission orders issued pursuant to this section require that the intrastate rates be adjusted to the level previously approved by the Commission, and in many cases an increase in the intrastate rate results. In view of the expressed statutory declaration that rates in the described circumstances are unlawful, increases in such rates are excluded from the definition of "reportable increases."

Section 1311.1 Procedures governing filing of schedules. a. This paragraph provides that tariffs proposing "reportable increases" must be published on no less than the normal, statutory, 30 days' notice. It puts the carriers on notice that they should not expect to receive from the Commission special permission to publish rates on less than that notice.

b. This subsection provides for the submission of certain data which must be supplied at the time the tariff proposing a "reportable increase" is filed. Briefly, subparagraphs (1) and (2) require the carrier or rate bureau to provide information which will enable the Commission to determine the existing rate, the proposed rate, and the amount of the proposed increase shown in terms of a percentage increase over the former rate and of a dollar increase in revenues. Subparagraph (3) requires that information be provided which will enable the Commission to determine the potential change in the carrier's income, and subparagraph (4) provides for the submission of information showing the

amount by which the proposed increase would raise the carrier's overall rate of return on capital.

c. Subparagraph (5) of this paragraph imposes upon the proponent of a reportable increase the burden of establishing compliance with the criteria set forth in § 1311.0(c) and discussed above. Evidence sufficient to sustain this burden must accompany the filing of any rate increase which would constitute a "reportable increase."

d. This paragraph provides, where a general increase is proposed on behalf of its members by a rate bureau or conference, that data need not be submitted by each individual carrier but may be supplied on the basis of membership or regional averages. It states that those procedures relating to traffic and cost studies set forth in Ex Parte No. MC-82 will be acceptable with respect to motor carriers of property. Other carriers, or the rate bureau or conferences which represent them, should be prepared to explain how any average cost and traffic data upon which they proposed to rely were assembled.

Section 1311.2 Other procedures and provisions. a. This paragraph makes it clear that only those tariffs proposing "reportable increases" need be filed in conformity with these regulations, and that other schedules are to be filed in the normal way. However, this paragraph, and also paragraphs (b) and (c) of this section should be read in conjunction with § 1311.0(c), which provides that even though a proposed increase is not a "reportable increase" and thus is not subject to the procedural and evidentiary requirements of these regulations, it must nevertheless conform to the objectives of the Economic Stabilization Program.

b. This paragraph is intended to make it clear that the same regulations which allow participation as a party in any rate proceeding of any person desiring to take part apply equally to proceedings governed by these regulations.

c. This paragraph makes clear the standing of any person to raise compliance with the requirements of these regulations as an issue in any Commission proceeding in which an increase in rates, fares, or charges is proposed.

d. This paragraph provides for relief from strict adherence to the requirements imposed in §§ 1311.0(c) and 1311.1(b) in the event that the proponent of an increase can establish, to the Commission's satisfaction, that extraordinary circumstances exist which would result in gross inequity or extreme hardship if the proposed increase were denied.

Section 1311.3 Reservation of jurisdiction. This section specifically reserves to the Commission the right to consider, on its own motion, the question of compliance with these regulations in any proceeding in which an increase in rates, fares, or charges is before it.

Section 1311.4 Reporting. By this section, the Commission agrees to comply with whatever reporting requirements the Price Commission may impose upon it.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11041 Filed 7-18-72;8:48 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on publication in the FEDERAL REGISTER (7-19-72).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting with guns is not permitted.

(2) The open season for hunting deer on the refuge is from 12 noon to sunset on August 25, 1972, and from ½ hour before sunrise to sunset thereafter through the day before the 1972 waterfowl hunting season opens. The season will open again at noon December 1, 1972, and from ½ hour before sunrise to sunset thereafter through December 31, 1972.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1972.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, North Dakota.

JULY 10, 1972.

[FR Doc.72-11040 Filed 7-18-72;8:47 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTION, AND CLASSIFICATION OF ECONOMIC UNITS

Firms With 60 or Fewer Employees

Subpart E of Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended in § 101.51 (a) and (b) to make the small business exemption inapplicable to any firm which in its most recent fiscal year derived more than $100,000 of its annual sales or revenues by or from the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board. For those firms coming into existence on or after January 1, 1972, the $100,000 test is applied quarterly to the first four quarters after March 31, 1972.

In enacting the small business exemption, the Council indicated (37 F.R. 8939) that prices charged by smaller firms were not expected to increase significantly because large companies within an industry would tend to exert some price discipline over the small companies. The Council further noted that it would continue to monitor both the price and pay behavior of those firms qualifying for the small business exemption and would periodically review the effects of the small business exemption.

The Council decision to reapply direct controls to the above firms was based on the recent rapid and unusual price increases for lumber and certain wood products, especially since May 2, 1972, when the small business exemption became effective and exempted a large number of firms and sales in the lumber industry: Because of the strong demand for lumber and the large number of firms and sales in the lumber industry which were exempt, the controls retained over nonexempt firms were found not to be effective in restraining those firms which were exempt.

The result of this action will be to subject these firms to controls both by the Price Commission and the Pay Board. On the price side these controls will among other things include the profit margin limitation, the rules relating to customary initial percentage markups and allowable cost increases. On the pay side the general wage and salary rules will be applicable. Further guidance as to the application of Price Commission and Pay Board regulations to those firms previously exempt is expected to be issued shortly by those agencies.

Because the purpose of these amendments is to amend and modify Part 101 to provide immediate guidance and information as to Cost of Living Council regulations, the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit written comments regarding the above amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

This amendment shall become effective when filed with the Office of the Federal Register.

DONALD RUMSFELD,
Director, Cost of Living Council.

Part 101 of Chapter 1 of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart E is amended in § 101.51 to delete the period at the end of § 101.51 (a) (2) (i) and add in place thereof a semicolon and to delete the word "or" at the end of § 101.51(a) (2) (iv), delete the period at the end of § 101.51(a) (2) (v) and add in place thereof a semicolon and the word "or" and to add a new subdivision (vi) to § 101.51(a) (2) to read as set forth below.

2. Subpart E is further amended in § 101.51 to delete the word "or" at the end of § 101.51(b) (2) (v), delete the period at the end of § 101.51(b) (2) (vi) and add in place thereof a semicolon and the word "or" and to add a new subdivision (vii) to 101.51(b) (2) to read as follows:

§ 101.51 Exemption of firms with 60 or fewer employees.

(a) *Applicability—Firms existing on or before December 31, 1971.* * * *

(2) *Exemption not applicable.* * * *

(vi) Effective July 17, 1972, a firm which in its most recent fiscal year derived more than $100,000 of its sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board.

* * * * *

(b) *Applicability—Firms coming into existence on or after January 1, 1972.* * * *

(2) *Exemption not applicable.* * * *

(vii) A firm which at any time during:

(*a*) Its first calendar quarter after March 31, 1972, derived more than $25,000 of its sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board;

(*b*) Its first and second calendar quarters after March 31, 1972, derived more than $50,000 of its sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board;

(*c*) Its first, second, and third calendar quarters after March 31, 1972, derived more than $75,000 of its sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board; or

(*d*) Its first calendar year after March 31, 1972, derived more than $100,000 of its sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board.

* * * * *

[FR Doc.72-11221 Filed 7-17-72;5:54 pm]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Institutional Providers of Health Services; Aggregate Annual Revenues and Base Year Computations

The purpose of this amendment is to add a new definition of "aggregate annual revenues" to § 300.18 of the regulations of the Price Commission "Institutional Providers of Health Services"; to clarify the annualized result of increases in aggregate annual revenues; to amend paragraphs (c) (1) and (2) of that section with respect to base years; and to make certain nonsubstantive editorial changes.

Increases in prices by institutional providers of health services are limited to percentage increases in their aggregate annual revenues over the amount "those revenues would have been if only the prices previously authorized for the provider under this part had been charged." Amounts above a 6 percent increase, under that formula, may be charged only after the granting of an exception to the provider.

Because of the wide disparity in methods of computing aggregate annual revenues by health providers and the difficulty in applying the regulatory requirements on a uniform basis, the Commission has developed a definition of "aggregate annual revenues" which includes the elements common to determinations of revenues through the industry.

Some confusion has arisen concerning the manner in which increases in aggregate annual revenues may be effected during the course of a fiscal year. It has been the Price Commission's intent that, when such an increase is taken or granted under § 300.18(c), the increase may be based only on the annualized revenues for the fiscal year in which taken or granted and the full amount taken in subsequent years. Accordingly, providers must pro-rate the increase for the full fiscal year in which first taken or granted, as determined by the date of the action and the corresponding fiscal year. For example, a 6 percent increase taken or granted halfway through a fiscal year must be applied for the rest of that fiscal year at the annualized rate of 6 percent, and not at the rate of 12 percent.

Subparagraphs (1) and (2) of paragraph (c) of § 300.18, in stating the percentage amounts by which aggregate annual revenues may be increased, use as a base period amount "the amount those revenues would have been if only the prices previously authorized for the provider under this part had been charged." This hypothetical figure has been extremely difficult to determine in many cases and has caused delays in implementing the programs because of conflicting interpretations of the language by users. For this reason, the quoted language is being deleted and a reference to the revenues of the provider's most recently completed fiscal year is inserted in its place.

Because the purpose of these amendments is to provide a more simplified method of making required determinations without any change in substantive requirements, and to provide immediate guidance and information as to the price stabilization rules in effect, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558; 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640, as amended)

In consideration of the foregoing § 300.18 of Title 6 of the Code of Federal Regulations is amended by revising paragraphs (a) and (c) to read as follows, effective July 18, 1972:

§ 300.18 Institutional providers of health services.

(a) *Definitions.* The following definitions apply in this section:

"Aggregate annual revenues" means the institutional provider's annual revenues computed by—

(1) Taking the sum of all patient service revenues for the year concerned, including—

(i) Revenues from daily patient services (routine services);

(ii) Revenues from other nursing services (operating room; central services and supplies, emergency, and similar services);

(iii) Revenues from other professional services (ancillary-laboratory, radiology, anesthesiology, and similar services);

(2) Adding thereto all other operating revenues from services, sales, and activities for the fiscal year concerned, such as revenues from educational programs; rental of space; sales of medical and pharmacy supplies to employees, doctors, and others; medical record transcript fees; cafeteria fees from employees and guests; proceeds from gift and similar shops and services; and government appropriations (not including grants) and tax levies; and

(3) Subtracting from the sum of paragraphs (1) and (2) the amount of the deduction for the year concerned for charity, courtesy, and contractual discounts and allowances for bad debts.

"Institutional provider of health services" includes any person covered by paragraph (a) of Appendix I to this part.

* * * * *

(c) *Additional limitations.* In addition to the limitations set forth in paragraph (b) of this section, no institutional provider of health services may charge a price in excess of the base price, if the effect of the increase, together with any other price changes made by it under the authority of this part, is to—

(1) Increase its aggregate annual revenues at an annualized rate of more than 2.5 percent, but not more than 6

percent, over the amount of its aggregate annual revenues for its most recently completed fiscal year (adjusted for volume differences) unless the provider has—

(i) Sent a copy of its revised price schedule to the District Director of Internal Revenue for the district in which the provider is located, with a statement specifying with particularity the increased price or prices involved, the previous price levels for the services affected by the increases, and the increased cost factors that justify the increased prices; and

(ii) Sent a copy of the revised price schedule to the Medicare intermediary that services the geographic area in which the provider is located; or

(2) Increase its aggregate annual revenues at an annualized rate of more than 6 percent over the amount of its aggregate annual revenues for its most recently completed fiscal year (adjusted for volume differences) unless the provider has received an exception from the Price Commission, after filing a request therefor with the District Director of Internal Revenue for the district in which the provider is located, containing the information required by subparagraph (1) (i) of this paragraph and the recommendation of the State Advisory Board, under the procedures set forth in Subpart C of Part 305 of this title and those established by the Internal Revenue Service. However, the requirement for the recommendation of the State Advisory Board does not apply if that Board fails to act on the request for a recommendation within 30 days after receiving it.

* * * * *

Issued in Washington, D.C., on July 14, 1972, by direction of the Commission.

W. DAVID SLAWSON,
General Counsel, Price Commission.

[FR Doc.72-11220 Filed 7-17-72;5:54 pm]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

PART 390—GENERAL ORDERS

Exports of Cattlehides

Pursuant to 50 U.S.C. App. section 2402(2) and E.O. 11533, Part 390, § 390.6 of 15 CFR is amended as provided below:

On July 18, 1972, an amendment to Part 390, General Orders was published in the FEDERAL REGISTER which added a new § 390.6 regarding exports of cattlehides. Section 390.6 is hereby amended, first to prevent inequities to exporters due to dock strikes and other distortions in export patterns during certain months in 1971, and second to correct an unintentional error.

First, § 390.6(c) (2) (ii) and (3) describe the base period for purposes of allocating the transition-period quota as the period July 1, 1971 through August 31, 1971. It has been determined that use of the entire calendar year 1971 as the base period would be more equitable in avoiding the possibility of basing quota allocations on data reflecting distorted export periods and situations. Accordingly, § 390.6(c) (2) (ii) and (3) are amended by striking the phrase "July 1, 1971 through August 31, 1971" wherever it appears and substituting therefor the phrase "January 1, 1971 through December 31, 1971." Further in this regard, § 390.6(c) (3) is amended by striking from the first sentence thereof the figure "1,860,000" and substituting therefor "15,969,000," by striking the figure "109 percent" and substituting therefor "12.7 percent," and by striking the computation "(1.09×1,860,000=2,025,000)" and substituting therefor "(0.127×15,969,000 =2,025,000)." To assist exporters in assembling and submitting data on their exports for 1971, § 390.6(a) (3) is hereby amended by striking the date "July 23, 1972" wherever it appears and substituting therefor the date "July 30, 1972." This amendment will extend for an additional week the time during which exports may be made without validated licenses; however, such exports will still be charged against the exporters' quotas for the period July 16, 1972 through August 31, 1972.

Second, § 390.6(b) (3) (vii) referred to the Office of Export Control as computing the total number of cattlehides "sold" during the based period, whereas it should have referred to the number of hides "produced." Accordingly, the word "sold" is hereby stricken and the word "produced" substituted therefor.

Effective date: July 18, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-11222 Filed 7-18-72;9:28 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

AHTANUM INDIAN IRRIGATION PROJECT

Proposed Water Charges

JUNE 30, 1972.

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in section 15(a) of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.1 of Part 221, Subchapter T. Chapter I, of Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for calendar year 1973 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, OR 97208, no later than 30 days after publication of this notice in the FEDERAL REGISTER.

Section 221.1 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.1 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Wash., for the calendar year 1973 and subsequent years until further notice, are hereby fixed at $3.50 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

DALE M. BALDWIN,
Area Director.

[FR Doc.72-11091 Filed 7-18-72;8:51 am]

[25 CFR Part 221]

TOPPENISH-SIMCOE INDIAN IRRIGATION PROJECT

Proposed Water Charges

JUNE 30, 1972.

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in section 15(a) of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.73 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for calendar year 1973 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, OR 97208, no later than 30 days after publication of this notice in the FEDERAL REGISTER.

Section 221.73 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.73 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1973 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre $3.75

DALE M. BALDWIN,
Area Director.

[FR Doc.72-11092 Filed 7-18-72;8:51 am]

[25 CFR Part 221]

WAPATO INDIAN IRRIGATION PROJECT

Basic and Other Water Charges

JUNE 30, 1972.

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in section 15(a) of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.86 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for calendar year 1973 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, OR 97208, no later than 30 days after publication of this notice in the FEDERAL REGISTER.

Section 221.86 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the calendar year 1973 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership $10.30
(2) Flat rate upon all farm units or tracts for each assessable acre except additional works lands $10.30
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre $0.50

(4) Flat rate upon all farm units or tracts for each assessable acre of additional works lands $10.75

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected from all lands except additional works lands, beginning with the calendar year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

DALE M. BALDWIN,
Area Director.

[FR Doc.72-11085 Filed 7-18-72;8:51 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Proposed Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of pears by establishing regulations recommended by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 7th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of Bartlett pears from the production area are expected to begin on or about August 1, 1972. The proposed grade and size requirements provided herein are necessary to prevent the handling on and after August 1, 1972, of any pears of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to producers pursuant to the declared policy of the act.

The provisions which provide for less stringent size regulations for certain containers recognize the fact that: (1) Pears packed in the "western lug" are sold primarily to markets in the Northwestern States mostly for home canning, and (2) pears packed in "14 to 15 pound containers" are sold primarily in markets in the Midwestern States mostly for home canning. Conversely, the application of more stringent size regulations for pears packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, or in "tight-filled" containers, recognizes the fact that pears packed in these containers are primarily sold in supermarkets throughout the country for fresh consumption to be eaten out of hand. The special inspection requirements for minimum quantities, which exempt shipments up to an equivalent of 200 "standard western pear boxes" on any single conveyance from inspection requirements, except for spot check inspection, if certain reporting requirements are met, reflects the fact that such minimum quantity shipments are often shipped on the same conveyance as apples; that on the container basis mandatory inspection of such minimum quantities would be unduly expensive and in some instances difficult to obtain; and that, the total of such shipments is relatively inconsequential when compared with the total supply handled. The exemption of pears in gift packages from assessment, inspection, and certification, reflects the fact that pears so handled are generally of high quality because they are sold in a market which demands high quality fruit. The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impracticable to regulate the handling of such shipments due to the nearness to the source of supply. Such proposal reads as follows:

§ 931.307 Bartlett Pear Regulation 7.

(a) Order: During the period August 1, 1972, through July 31, 1973, no handler shall handle any lot of Bartlett pears, except for Bartlett pears grown in the Medford District, unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (5) or (6) of this paragraph:

(1) Minimum grade: U.S. No. 2.

(2) Minimum size: (i) At least 180 size when packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, or in "tight-filled" containers; (ii) at least 2¼ inches in diameter when packed in the "western lug", or in containers having a capacity equal to or greater than the "western lug"; or (iii) at least 2⅛ inches in diameter when packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(3) Pack of container requirements: Such pears are packed in the "standard western pear box", the "L.A. lug" or their carton equivalents, in "tight-filled" containers, in containers having a capacity equal to or greater than the "western lug", or in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(4) Special inspection requirements for minimum quantities: During the aforesaid period any handler may ship on any conveyance up to but not in excess of an amount equivalent to 200 "standard western pear boxes" of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(5) Special purpose shipments: Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, and of §§ 931.41 and 931.55.

(6) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, and of §§ 931.41 and 931.55.

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) *Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 2" and "size" shall have the same meaning as when used in the U.S. Standards for summer and fall pears (§§ 51.1260-51.1280 of this title); "180 size" shall mean that the pears are of a size which will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 180 pears in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches; and the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods.*

Dated: July 13, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-11051 Filed 7-18-72;8:47 am]

[7 CFR Part 1030]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.11(b)(6) of the order, the temporary revision of a certain provision of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of August 1972.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be revised is the supply plant shipping percentage of 30 percent set forth in § 1030.11(b)(4), that is applicable during the month of August. Pursuant to the provisions of § 1030.11(b)(6) the supply plant shipping percentages set forth in § 1030.11(b)(4) shall be increased or decreased by up to 10 percentage points during the months of August–December, if necessary to obtain needed shipments or to prevent uneconomic shipments.

To fulfill their fluid milk requirements, distributing plants obtain milk from supply plants to supplement their receipts of milk directly from producers. During the months of August through December 1971 more than one-half of the receipts of milk at distributing plants in this market were obtained from supply plants.

Many operators of distributing plants in the market have arrangements with specific supply plants to obtain supplemental supplies. Over one-half of the shipments of supply plant milk in the market, however, is coordinated through one agent, Central Milk Producers Cooperative. Most of the milk supply for distributing plants in the metropolitan Chicago segment of the market is obtained through such agent. The agent arranges the shipments from among a large group of supply plants so as to qualify such plants for pool status. Most of these plants are operated by cooperative associations that handle much of the reserve milk supplies associated with the market.

During the period August through December 1971 producer receipts in the market increased 3.9 percent relative to the same period the previous year. Most of the additional milk was associated with pool supply plants. As a result, the proportion of pool supply plant milk shipped to distributing plants declined to the extent that many pool supply plants had difficulty meeting the pooling standards during the fall months of 1971.

The Director of the Dairy Division reduced the minimum pool supply plant shipping percentages 10 percentage points in October and November 1971 to prevent handlers from engaging in uneconomic shipments for the purpose of qualifying such plants.

At a public hearing held in Madison, Wis., on May 31, 1972, a proposed amendment to reduce the pool supply plant shipping percentages was considered. The aforementioned cooperative's agent testified at the hearing that the shipment percentages for the plants it is responsible for qualifying will average 3 to 4 percentage points below the percentages for the fall months of 1971. The agent estimates that less than 32 percent of the milk receipts at all such supply plants will be needed by distributing plants in August 1972.

In this circumstance operators of certain supply plants in the market might engage in uneconomic shipments to meet the 30 percent shipping requirement for August. For instance, a handler might route direct receipts of producer milk at his distributing plant through his supply plant to insure the proportion of milk shipped from the supply plant is sufficient to qualify the supply plant.

A recommended decision issued July 13, 1972, on the matter proposes amendment of the order to reduce the shipping percentage 5 percentage points in each of the months of August through November. The required procedures on the proposed amendments may not be completed prior to the month of August 1972.

Therefore, it may be appropriate to reduce the pool supply plant shipping percentage 5 percentage points for the month of August 1972 to prevent uneconomic shipments.

Signed at Washington, D.C., on July 14, 1972.

P. W. HALNON,
Acting Director, Dairy Division.

[FR Doc.72-11175 Filed 7-18-72;8:54 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1904]

SAFETY AND HEALTH RECORDS AND REPORTING

Small Employers

Pursuant to section 8 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657) and Secretary of Labor's Order No. 12–71 (36 F.R. 8754), it is hereby proposed to amend 29 CFR Part 1904 by establishing a new § 1904.15 to read as set forth below to facilitate compliance with recording and reporting requirements by employers with fewer than eight (8) employees. As used in the proposal, the term "employee" is used without limitation. Therefore, the term is intended to include all employees, whether full-time employees, part-time employees, or seasonal employees.

The proposal is in furtherance of section 8(d) of the Act providing, among other things, that information obtained by the Secretary be obtained with a minimum burden upon employers, especially those operating small businesses.

Written data, views, and arguments concerning the proposal may be submitted to the Office of Occupational Safety and Health Statistics, Bureau of Labor Statistics, Room 3818, 441 G Street NW., Washington, DC 20212, within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at that office.

The new § 1904.15 would read as follows:

§ 1904.15 Small employers.

Any employer who had no more than seven (7) employees at any one time during the calendar year immediately preceding a current calendar year, shall meet his obligations under this part by: (a) Complying with any reporting obligations under § 1904.8 concerning fatalities or multiple hospitalization accidents, and (b) meeting any obligations for maintaining a log of occupational injuries and illnesses under § 1904.2 and for making reports under § 1904.21 upon being notified in writing by the Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

(Sec. 8, 84 Stat. 1598; 29 U.S.C. 657)

Signed at Washington, D.C., this 10th day of July 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-11105 Filed 7-18-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141, 141a, 146a, 149f]

METHICILLIN

Proposed Certification Requirements, Tests and Methods of Assay

The Commissioner of Food and Drugs proposes that 21 CFR Parts 141, 141a, and 146a be amended as they apply to sodium methicillin and that a new Part 149f be added to Title 21. Part 149f would include all monographs in Parts 141a and 146a which currently provide for the certification of sodium methicillin products. These proposed amendments include technical revisions as well as recodification.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended;

21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Parts 141, 141a, 146a, and 149f be amended:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 141.506 [Amended]

1. In Part 141 in the table in § 141.506 (b)(2) by deleting the item which reads "Buffered sodium methicillin."

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§§ 141a.103 and 141a.107 [Amended]

2. In Part 141a by revoking § 141a.103 *Sodium methicillin* and § 141a.107 *Buffered methicillin sodium (buffered sodium-2,6-dimethoxyphenyl penicillin)* and by reserving them for future use.

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

§§ 146a.11 and 146a.15 [Revoked]

3. In Part 146a by revoking § 146a.11 *Buffered methicillin sodium* and § 146a.15 *Sodium methicillin* and by reserving them for future use.

PART 149f—METHICILLIN

4. By adding a new Part 149f consisting at this time of two sections, as follows:

Sec.
149f.1 Sterile sodium methicillin.
149f.2 149f.10 [Reserved]
149f.11 Sodium methicillin for injection.

AUTHORITY: The provisions of this Part 149f issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149f.1 Sterile sodium methicillin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium methicillin is the monohydrated sodium salt of (2,6-dimethoxyphenyl) penicillin. It is so purified and dried that:

(i) It contains not less than 815 micrograms of methicillin per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3 percent and not more than 6 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 5 and not more than 7.5.

(vii) Its sodium methicillin content is not less than 90 percent.

(viii) It is crystalline.

(ix) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, sodium methicillin content, crystallinity, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

(*b*) For sterility testing: 20 packages, each containing approximately 600 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve and accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of methicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 20 milligrams of methicillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Sodium methicillin content.* Dissolve an accurately weighed portion of the sample in a sufficient accurately measured volume of distilled water to obtain a concentration of 0.2 milligram of sodium methicillin per milliliter (estimated). Treat a portion of the methicillin working standard in the same manner. Using a suitable spectrophotometer equipped with a 1-centimeter quartz cell and distilled water as the blank, determine the absorbance at 280 nanometers. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 250 nanometers to 300 nanometers. If a nonrecording spectrophotometer is used, determine the absorbance (on a solution containing 10 milligrams per 100 milliliters) at the 280-nanometer absorption peak. (The exact position of the peak should be determined for the particular instrument used.) Calculate as follows:

$$\text{Percent sodium methicillin} = \frac{\text{Absorbance of sample} \times \text{Weight in milligrams of standard} \times \text{Volume of sample solution} \times \text{Percent sodium methicillin in standard}}{\text{Absorbance of standard} \times \text{Weight in milligrams of sample} \times \text{Volume of standard solution}}$$

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity.* Using the sample solution prepared as described in subparagraph (7) of this paragraph, determine the absorbancies at the absorption maximum at 280 nanometers and at the absorption minimum at 264 nanometers. The ratio of the two $\frac{A280}{A264}$ should be not less than 1.30 and not more than 1.45.

§§ 149f.2–149f.10 [Reserved]

§ 149f.11 Sodium methicillin for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium methicillin for injection is sodium methicillin either containing ethylenediaminetetraacetic acid trisodium salt in a quantity not less than 4.25 percent and not more than 5.25 percent by weight of its total solids or containing a suitable preservative and the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids (such sodium citrate conforms to the standards prescribed therefor by the U.S.P.). Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of methicillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. If it contains ethylenediaminetetraacetic acid trisodium salt, its pH, immediately after reconstitution as directed in the labeling, is not less than 7.0 and not more than 8.5; if it contains sodium citrate buffer, its pH is an aqueous solution containing 10 milligrams per milliliter is not less than 6.0 and not more than 8.5. Its moisture content is not more than 6.0 percent. The sodium methicillin used conforms to the standards prescribed by § 149f.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium methicillin used in making the batch for potency, moisture, pH, sodium methicillin content, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, pH, and moisture.

(ii) Samples required:

(*a*) The sodium methicillin used in making the batch: 10 packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the portion thus obtained with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of methicillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 20 milligrams of methicillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter, except use a test dose solution containing 40 milligrams of methicillin per milliliter.

(5) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling if it contains ethylenediaminietetraacetic acid trisodium salt or using an aqueous solution containing 10 milligrams per milliliter if it contains sodium citrate buffer.

(6) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 10, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-11067 Filed 7-18-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-47]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Corsicana, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Aerospace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

CORSICANA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corsicana Municipal Airport (latitude 32°02'00" N., longitude 96°24'00" W.) and within 3 miles each side of the Scurry, Tex., VORTAC 186° T (178° M) radial extending from the 5-mile radius area to 24 miles south of the VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Corsicana, Tex., Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 7, 1972.

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc.72-11021 Filed 7-18-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-CE-17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Marshalltown, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

An additional public use instrument approach procedure is being developed for the Marshalltown, Iowa, Municipal Airport. Accordingly, it is necessary to alter the Marshalltown, Iowa, transition area to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

MARSHALLTOWN, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport and within 3.5 miles each side of the 135° radial of the Marshalltown VOR, extending from the 6-mile radius to 11.5 miles southeast of the airport, and that airspace extending

upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 321° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles northwest of the airport, excluding the airspace within the Waterloo, Iowa transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 15, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-11022 Filed 7-18-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-46]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Muskogee, Okla., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

A new non-Government TVOR facility will be commissioned at latitude 35°-39'42" N., longitude 95°21'58" W. Also, a non-Government NDB will be commissioned at latitude 35°35'41" N., longitude 95°17'13" W. The existing NDB at latitude 35°39'30" N., longitude 95°-21'45" W., will be decommissioned concurrently with the commissioning of the new NDB. The Muskogee, Okla., 700-foot transition area will be amended to contain the instrument procedures predicated on the new facilities.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Muskogee, Okla., transition area is amended to read:

MUSKOGEE, OKLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla. (latitude 35°39'25" N., longitude 95°21'40" W.), and within 10 miles southwest and 5 miles northeast of the Muskogee VOR 137° T. (130° M.) radial extending from the VOR to 20 miles southeast.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 7, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc. 72-11024 Filed 7-18-72;8:46 am]

[14 CFR Parts 71, 75]

[Airspace Docket No. 72-SW-35]

FEDERAL AIRWAYS AND JET ROUTE SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would redesignate VOR Federal airway and Jet Route segments within the greater Austin, Tex., terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The airspace actions outlined herein are based on moving the Austin, Tex., VORTAC to the Robert Mueller Municipal Airport. The resultant effect will be that centerlines of affected airway and jet route segments will move accordingly. Portions of V-17E and V-17W, however, remain unchanged but to insure understanding of proposed airspace changes redescriptions of these segments have been included.

Proposed airspace actions are:

1. Redesignate VOR Federal airway No. 17 from San Antonio, Tex.; intersection San Antonio 042° T (033° M) and Austin, Tex., 229° T (220° M) radials; Austin, including E alternate via intersection San Antonio 057° T (048° M) and Austin 173° T (164° M) radials; and also including W alternate via intersection San Antonio 002° T (353° M) and Austin 243° T (234° M) radials; Waco, Tex., including E alternate via intersection Austin 041° T (032° M) and Waco 173° T (164° M) radials.

2. Redesignate VOR Federal airway No. 76 from Llano, Tex.; Austin, Tex., including S alternate via intersection Llano 134° T (125° M) and Austin 280° T (271° M) radials; Industry, Tex., and include a proposed new N alternate via intersection Industry 305° T (297° M) and Austin 090° T (031° M) radials.

3. Redesignate VOR Federal airway No. 306 from Austin, Tex., via Navasota, Tex.

4. Redesignate Jet Route No. 15 from Humble, Tex., via Austin, Tex.; Junction, Tex.

5. Redesignate Jet Route No. 21 from San Antonio, Tex., via Austin, Tex.; Waco, Tex.

6. Redesignate Jet Route No. 25 from San Antonio, Tex., via Austin, Tex.; Waco, Tex.

7. Redesignate Jet Route No. 86 from Junction, Tex., via Austin, Tex.; Humble, Tex.

The proposed relocation of the Austin VORTAC will enhance terminal operations and provide more efficient movement of air traffic in the vicinity of Austin, Tex.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 12, 1972.

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-11023 Filed 7-18-72;8:46 am]

National Highway Traffic Safety Administration

[49 CFR Parts 571, 575]

[Docket No. 72-8; Notice 1]

MOTOR VEHICLE TEST CONDITIONS

Notice of Proposed Rule Making

The purpose of this notice is to propose a change in the wind velocity test condition appearing in certain of the Federal motor vehicle safety standards, consumer information regulations, and notices of proposed rule making.

The test condition, "Wind velocity is zero," appears in the following standards, regulations, and proposals:

49 CFR 571.122, Standard No. 122, *Motorcycle Brake Systems* Docket No. 70-27, *Hydraulic Brake Systems* (35 F.R. 17345).
Docket No. 1-19, *High Speed Warning and Control* (35 F.R. 18295).
49 CFR 575.101, *Vehicle stopping distance.*
49 CFR 575.106, *Acceleration and passing ability.*
Docket No. 70-24, *Vehicle stopping distance* (35 F.R. 17353).

The wind condition also appears in Standard No. 121, *Air Brake Systems,* for which an amendment is being separately proposed.

Experience in the NHTSA testing program indicates that requirements may be more efficiently enforced if the wind velocity condition is changed from zero to a velocity that represents the wind likely to be encountered on most testing days. Review of the prevailing wind conditions on several tracks indicates that 15 m.p.h. is a reasonable maximum velocity. It is therefore proposed that the wind be at any velocity up to 15 m.p.h. in any direction.

Manufacturers should understand that these conditions represent the outer limits of NHTSA compliance testing and are not permissive conditions for manufacturer tests. Thus, manufacturers would be required to ensure that their vehicles meet the requirements under the most adverse conditions within these limits.

In consideration of the foregoing, it is proposed that S6.6 of 49 CFR 571.122, S5.7 of the proposed amendment to 49 CFR § 571.105 (Docket No. 70-27), S5.8 of the proposed standard on High Speed Warning and Control (Docket No. 1-19), 49 CFR § 575.101(d)(10) 49 CFR § 575.106(d)(viii), and proposed 49 CFR § 575.101(d)(1)(ix) (Docket No. 70-24) be revised to read: *"Wind velocity.* The wind is at any velocity up to 15 m.p.h. in any direction."

Proposed effective dates: 49 CFR 571.122: September 1, 1974. 49 CFR § 575.101 and § 575.106: September 1, 1973. Rule making actions adopting the proposals of Docket No. 1-19, Docket No. 70-24, and Docket No. 70-27 would incorporate the amended test condition with the same effective date as the rule.

Interested persons are invited to submit written data, views, or arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on August 25, 1972, will be considered, and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to examine the docket for new materials.

This notice of proposed rule making is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, and 1407), and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on July 12, 1972.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Program.

[FR Doc.72-11101 Filed 7-18-72;8:53 am]

Office of the Secretary

[49 CFR Part 21]

[Docket No. 18; Notice 72-2]

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Notice of Proposed Rule Making

On December 9, 1971, proposed amendments to the Nondiscrimination in Federally Assisted Programs Regulations of 20 Federal agencies were published in the FEDERAL REGISTER (36 F.R. 23448). The Department of Transportation was not included, since the provisions proposed by the other agencies were already contained in regulations of the Department of Transportation issued on June 10, 1970 (35 F.R. 10080, June 18, 1970).

Based on comments submitted in response to the December 9, 1971, multiagency notice of proposed rule making, the Department of Transportation proposes to make certain amendments to Part 21 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 21).

Planning or advisory board membership. Although existing § 21.5(b)(vi) contains a prohibition against discriminatory denial of the "opportunity to participate in the program through the provision of services or otherwise * * *", the regulations do not specifically deal with the matter of planning or advisory board membership. Considering the broad purpose of title VI of the Civil Rights Act of 1964, the Department of Transportation believes that membership on such boards can be regarded as one aspect of "participation in the program" within the meaning of section 601 of the Act (42 U.S.C. 2000d). To make it clear that such discrimination is prohibited the Department proposes to add planning, advisory, and similar bodies to the other activities listed in § 21.5(b).

The proposed provision would apply only to the extent that the "recipient" has control over board membership. It would be applicable, for example, where the members are appointed by the recipient. Where the board is elected and the election procedures are determined by the recipient, such procedure would have to be nondiscriminatory. The term "integral part" is used in order to make it clear that regulations are inapplicable to boards related only tangentially or indirectly to a federally assisted program.

Affirmative action to correct and prevent prohibited discrimination. Existing § 21.5(b)(7) provides that consideration of race, color, or national origin are not prohibited if the purpose and effect is to remove or overcome the detrimental results of discrimination. That provision also places on the recipient of Federal assistance an "obligation to take reasonable action to remove or overcome the consequences of prior discriminatory practice or usage and to accomplish the purposes of the Act." The Department proposes to amend the second sentence in § 21.5(b)(7) to make it clear that the recipient: (1) must take affirmative action to overcome the effects of prior discriminatory practice or usage, and (2) is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the recipient's federally assisted programs on the ground of race, color, or national origin.

Collection of racial data. Existing §21.9(b) states that recipients shall keep such records and submit such reports as the Secretary determines are necessary. While this provision furnishes a basis for requiring data on the race and national origin of persons affected by federally assisted programs, it contains no explicit reference to such data. Experience has shown that, with respect to most federally assisted programs, racial data is an essential element in implementing title VI of the Civil Rights Act of 1964. In view of the importance of such data, the Department proposes to add an express reference to it in § 21.9(b).

Time for filing complaints. Existing provisions of § 21.11(b) regarding the filing of complaints of alleged discrimination states that a complaint must be filed "not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary."

To make this time period consistent with that allowed under other civil rights laws,[1] the Department proposes to change this time limit from 90 to 180 days.

In consideration of the foregoing it is proposed that 49 CFR Part 21 be amended as follows:

1. Section 21.5(b) would be amended by:

a. Striking out the word "or" at the end of subparagraph (1)(v);

b. Striking out the period at the end of subparagraph (1)(vi) and substituting a semicolon and the word "or"; and

c. Adding the following new subdivision (vii) at the end of subparagraph (1).

d. Amending subparagraph (7) to read as set forth below.

§ 21.5 Discrimination prohibited.

* * * * *

[1] See section 706(e) of title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C.A. 2000e-5(e); section 810(b) of title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3610(b); and the regulations of the Office of Federal Contract Compliance, 41 CFR 60-1.21.

(b) Specific discriminatory actions prohibited:

(1) * * *

(vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

* * * * *

(7) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where prior discriminatory practice or usage tends, on the grounds of race, color, or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient must take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.

* * * * *

2. Section 21.9(b) would be amended by adding the following new sentence at the end thereof:

§ 21.9 Compliance information.

* * * * *

(b) *Compliance reports.* * * * In general, recipients should have available for the Secretary, racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.

* * * * *

§ 21.11 [Amended]

3. Section 21.11(b) would be amended by substituting "180 days" for "90 days".

Interested persons are invited to give their views on these proposed amendments. Communications should identify the regulatory docket or notice number (see above) and be submitted to the Docket Clerk, Office of the General Counsel, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

Communications received on or before August 15, 1972, will be considered before final action is taken on the petition. All docketed comments will be available for examination by interested persons both before and after the closing date for comments.

This proposal is issued under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1) and after the comments have been reviewed and analyzed, and any necessary changes have been made to the proposed amendments, they will be submitted to the President for approval in accordance with section 602.

Issued in Washington, D.C., on June 29, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72–11052 Filed 7–18–72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC–37 (Sub-No. 9D)]

BALTIMORE, MD., COMMERCIAL ZONE

Notice of Proposed Rule Making

JULY 14, 1972.

Joint Petitioners: Thulman Eastern Corp., Miller Chevrolet Sales, Inc. Petitioners representatives: Lewis S. Nippard, Louis A. Becker, Sybert, Sybert, and Nippard, 3701 Courthouse Drive, Ellicott City, MD 21043. By petition filed May 19, 1972, the above-named joint petitioners request that the Commission redefine the Baltimore, Md., Commercial Zone (49 CFR 1048.21) so as to include an area described as follows: Beginning at the point where the line described in 49 CFR 1048.21 (b) intersects U.S. Highway 40 west of Baltimore, Md., and extending in a westerly direction along U.S. Highway 40 to its intersection with St. John's Lane, thence southerly along St. John's Lane to its intersection with Maryland Highway 144, thence easterly along Maryland Highway 144 to its intersection with the line described in 49 CFR 1048.21 (b), and thence along said line to the point of beginning. Petitioner contends that the relief sought in this petition will not have an adverse effect upon the environment.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before August 21, 1972. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of The Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–11119 Filed 7–18–72;8:53 am]

[49 CFR Part 1201]

[No. 32153 (Sub-No. 2)]

TRACK STRUCTURES

Accounting for Retirement of, or Recognition of, Impairments in Value; Extension of Time to File Statements

It appearing, that this proceeding was instituted by notice of proposed rule making and order dated May 17, 1972, published in the FEDERAL REGISTER, 37 F.R. 11076, and that the date for filing statements of fact, views, and argument was designated as 30 days after such publication;

It further appearing, that the Public Utilities Commission of the State of California and the American Institute of Certified Public Accountants have requested an extension of time for filing such statements since the matter involves complex accounting procedures; and good cause appearing therefor,

It is ordered, That the time for filing such statements be, and it is hereby, extended to December 31, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER.

Dated at Washington, D.C., on the 12th day of July 1972.

By the Commission, Chairman Stafford.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–11043 Filed 7–18–72;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. 1]

AMERICAN EMPIRE INSURANCE CO.

Surety Companies Acceptable on Federal Bonds; Change of Name

Agricultural Insurance Co., Watertown, N.Y., a New York corporation, formally changed its name to American Empire Insurance Co., effective May 26, 1972. Documents evidencing the change of name are on file in the Treasury.

A new certificate of authority as an acceptable surety on Federal bonds, dated July 1, 1972, has been issued by the Secretary of the Treasury to the American Empire Insurance Co., Watertown, N.Y., under sections 6 to 13 of title 6 of the United States Code, to replace the certificate issued July 1, 1972, to the company under its former name, Agricultural Insurance Co. The underwriting limitation of $2,238,000 previously established for the company remains unchanged.

The change in name of Agricultural Insurance Co. does not affect its status or liability with respect to any obligation in favor of the United States on in which the United States has an interest, which it may have undertaken pursuant to the certificate of authority issued by the Secretary of the Treasury.

Certificates of authority expire on June 30 each year, unless sooner revoked and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may by obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: July 14, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-11088 Filed 7-18-72;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

INDUSTRY ADVISORY COMMITTEE ON IRON AND STEEL SCRAP PROBLEMS

Notice of Meeting

A meeting of the Department of Commerce Industry Advisory Committee on iron and steel scrap problems will be held from 10 a.m. to 1 p.m. on Friday, July 28, 1972, Room 6802, Commerce Building, 14th and E Streets NW., Washington, DC.

The Committee gathers information and provides advice to Department officials in order to identify and overcome problems in iron and steel scrap consumption. The Committee advises on such national issues as conservation of natural resources, solid waste management, air pollution, and beautification.

The intended agenda is as follows:

James M. Owens, Director, Metals and Minerals Division, Bureau of Domestic Commerce, Chairman.

1. Opening remarks	Hudson B. Drake, Deputy Assistant Secretary and Director, Bureau of Domestic Commerce.
2. Industry reports:	
a. Iron and steel scrap processing	Dr. Herschel Cutler, Institute of Scrap Iron and Steel, Inc.
b. Automobile and truck dismantling	Raymond E. Morris, National Auto & Truck Wreckers Association. Frederick P. Billand, U.S. Auto Dismantlers Association.
c. Nonferrous scrap processing	Eli Viener, Hyman Viener & Sons.
d. Basic steel producing	J. Roderick McAlpin, Armco Steel Corp.
e. Ferrous foundry	Clyde B. Jenni, Steel Founders' Society of America.
f. Automobile manufacturing	Charles T. Cudlip, Ford Motor Co.
3. Metal scrap research projects	Charles B. Kenahan, Bureau of Mines, Department of the Interior.
4. Scrap rubber—Tires	David H. Blank, Chemicals and Rubber Division, Bureau of Domestic Commerce.
5. Highway beautification program	Leo Grossman, Department of Transportation.
6. Ship disposal	Burton T. Kyle, Maritime Administration.
7. National Commission on Materials Policy	George A. Watson, Jr.
a. Study on ferrous scrap.	
8. Environmental Protection Agency	Thomas Canfield, Office of Solid Waste Management Programs.
a. Survey on abandoned automobiles.	
b. Model State Acts:	
(1) Abandoned vehicles.	
(2) Solid waste management and resource recovery.	
9. Auto scrap disposal research program	Edward W. Hassell, industry consultant.
10. Summation	James M. Owens.

The membership of the Committee consists of approximately 25 members, drawn from six involved industries—iron and steel scrap processing, nonferrous scrap processing, automobile and truck wrecking, basic iron and steel producing, ferrous foundry, and automobile manufacturing.

A limited number of seats—approximately 20—will be available to the public and the press. Participation by presentation of papers will necessarily be limited, at the discretion of the chairman, due to the 3-hour scheduled duration of the meeting. Presentation of views must be pertinent to the agenda items. Persons who wish to participate in the meeting or who merely wish to attend as observers should contact Mrs. Diana B. Friedman, telephone: 202—967-5505, by Monday, July 24, 1972.

HUDSON B. DRAKE,
Deputy Assistant Secretary and Director, Bureau of Domestic Commerce.

[FR Doc.72-11123 Filed 7-18-72;8:53 am]

National Oceanic and Atmospheric Administration

[Docket No. G-535]

VIRGIL ARNOLD GOFF

Notice of Loan Application

JULY 12, 1972.

Virgil Arnold Goff, 703 Belview Street, Moss Point, MS 39563, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 39-foot in length, to engage in the fishery for shrimp and oysters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit

evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-11038 Filed 7-18-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial I-4982]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 72-8304 appearing on page 11078 of the issue for Friday, June 2, 1972, in the seventh line under "Sec. 24" the reference to "N½NE¼NE¼," should read "N½NE¼NW¼"; and in the seventh and eighth lines the reference to "E½SW¼, NE¼NW¼" should read "E½SW¼NE¼NW¼".

Office of the Secretary

METAL AND NONMETALLIC MINE SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

Notice is hereby given that the Metal and Nonmetallic Mine Safety Advisory Committee appointed by the Secretary of the Interior pursuant to section 7 of the Federal Metal and Nonmetallic Mine Safety Act (Public Law 89-577, 30 U.S.C. sec. 721) will meet on July 19-20, 1972, at the Holiday Inn, Marquette, Mich. Daily sessions will commence at 9 a.m. and will be open to the public. The purpose of the meeting is to consider and discuss health and safety standards applicable to mines subject to the Act.

Dated: July 13, 1972.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-11026 Filed 7-18-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9451]

NYSTATIN FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antifungal antibiotic drugs:

1. Nystatin; 500,000 units per tablet, marketed as Mycostatin Oral Tablets, by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 60-574).

2. Nystatin; 100,000 units per milliliter when reconstituted, marketed as Mycostatin for (Oral) Suspension, by E. R. Squibb & Sons, Inc. (NDA 60-573).

The Food and Drug Administration concludes that this oral antifungal agent in suspension form is an effective treatment for infections of the oral cavity caused by Candida (Monilia) albicans and the tablet form of the drug is effective in the treatment of intestinal moniliasis.

Preparations containing nystatin are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Requests for certification of batches of the drug, in the dosage forms described above, should provide for labeling information in accord with labeling guidelines published in this announcement. The guidelines were developed on the basis of reevaluation of the drug.

The above-named firm and any other holders of applications approved for a drug of the kind described above are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows: (optional additional information applicable to the drugs may be proposed under other appropriate paragraph headings and should follow the information set forth below).

NYSTATIN SUSPENSION

DESCRIPTION

This antifungal agent is obtained from *Steptomyces noursei.* It is a polyene antibiotic of undetermined structural formula. (Additional descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Nystatin probably acts by binding to sterols in the cell membrane of the fungus with a resultant change in membrane permeability allowing leakage of intracellular components. It is absorbed very sparingly following oral administration, with no detectable blood levels when given in the recommended doses.

INDICATIONS

For the treatment of infections of the oral cavity caused by *Candida* (Monilia) albicans.

CONTRAINDICATIONS

Hypersensitivity to the drug.

ADVERSE REACTIONS

Nausea and vomiting. Gastrointestinal distress. Diarrhea.

DOSAGE AND ADMINISTRATION

Infants: 2 cc. (200,000 units) four times daily (1 cc. in each side of mouth).

Children and adults: 4-6 cc. (400,000 to 600,000 units) four times daily (one-half of dose in each side of mouth).

NOTE: Limited clinical studies in premature and low-birth weight infants indicate that 1 cc. four times daily is effective.

Local treatment should be continued at least 48 hours after perioral symptoms have disappeared and cultures returned to normal.

It is recommended that the drug be retained in the mouth as long as possible before swallowing.

Instructions for Reconstitution and Storage

(To be included by manufacturer or distributor.)

NYSTATIN TABLETS

DESCRIPTION

This antifungal agent is obtained from *Streptomyces noursei.* It is a polyene antibiotic of undetermined structural formula. (Additional descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Nystatin probably acts by binding to sterols in the cell membrane of the fungus with a resultant change in membrane permeability allowing leakage of intracellular components. It is absorbed very sparingly following oral administration, with no detectable blood levels when given in the recommended doses.

INDICATION

For the treatment of intestinal moniliasis.

CONTRAINDICATIONS

Hypersensitivity to the drug.

ADVERSE REACTIONS

Nausea and vomiting. Gastrointestinal distress. Diarrhea.

DOSAGE AND ADMINISTRATION

Usual dosage: 500,000 to 1 million units t.i.d. Treatment should generally be continued for at least 48 hours after clinical cure to prevent relapse.

The following are labeled indications for which oral nystatin preparations are classified as possibly effective: to supplement local nystatin treatment of chronic or resistant oral, vaginal, or cutaneous moniliasis. Batches of such drugs labeled with the indications evaluated as possibly effective and which are otherwise in accord with the labeling conditions herein, will be accepted for release or certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in those conditions for which it has been evaluated as possibly effective.

The Food and Drug Administration regards the drugs as lacking substantial evidence of effectiveness for protection against monilial superinfection during antimicrobial or corticosteroid therapy, for use in generalized (systemic) moniliasis and for use in the prevention of infections caused by Candida (Monilia) albicans. Preparations labeled with these

indications will no longer be acceptable for certification or release after 40 days following the publication date of this announcement.

Any person who would be adversely affected by deletion of the claims for which the drugs lack substantial evidence of effectiveness, as described in this announcement, may submit within 30 days following the publication date hereof, comments or pertinent data bearing on the effectiveness of the drugs for such uses.

To be acceptable for consideration in support of the effectiveness of the drug, such data must be previously unsubmitted, well organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Division of Anti-Infective Drug Products (BD-140), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the Academy's report has been furnished to the firm listed above. Communications forwarded in response to this announcement should be identified with the reference number DESI 9451; directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number): Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 52 Stat. 1050-51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 29, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-11066 Filed 7-18-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-129P]

MARYLAND GOVERNOR'S CUP REGATTA

Proposed Local Regulations

The Coast Guard has received an application from the Stoney Creek Racing Boat Club, Inc., of Riviera, Md., to hold a marine event on the Back River between Weatherby Point and Cox's Point Park, Essex, Md. The event is to be held from 10 a.m. to 6:30 p.m. on August 5 and 6. The application has been submitted to the Commander, Fifth Coast Guard District in accordance with 33 CFR Part 100 which authorizes the Coast Guard to issue temporary special regulations. These regulations would result in the closing of the Back River between Weatherby Point and Cox's Point Park for periods of time on the 5th and 6th of August.

The application states such closure is necessary due to the 120 inboard and outboard hydroplanes, Jersey Speed Skiffs, and ski boats involved in the racing and approximately 300 spectator boats in the area. The race is the Maryland Governor's Cup Regatta, and it is sanctioned by the American Power Boat Association. It will be run on a closed 1⅔-mile course. The course is laid in areas used by normal river traffic.

Interested persons may participate in this proposed temporary regulation by submitting written data, views, or arguments. Comments on these proposed temporary special regulations should be addressed to the Commander, 5th Coast Guard District, Boating Safety Branch, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comments should include his name and address, identify this notice and give reasons for any recommended change in the proposal. This proposal may be changed in light of comments received. Comments will be received through July 22, 1972.

In consideration of the foregoing it is proposed that the following temporary special regulations be issued:

These special local regulations are issued by the Commander, 5th Coast Guard District pursuant to the authority contained in 46 U.S.C. 454 and 33 CFR Part 100 to promote the safety of life on the navigable waters during the Maryland Governor's Cup Regatta.

1. These special local regulations will be in effect on the Back River between Weatherby Point and Cox's Point Park between the hours of 10 a.m. to 6:30 p.m., eastern daylight time, on 5 and 6 August 1972.

a. The area of the Back River bordered on the north by a line drawn from Green Marsh Point, bearing 045°T to the opposite shore and bordered on the south by a line from Walnut Point bearing 225°T to the opposite shore, will be closed intermittently to general navigation during the times shown. No person or vessel may enter or traverse the area when it is closed unless participating in the event or with authorization of the patrol officer. Spectator boats will be confined to areas within the closed area as designated by the patrol officer.

b. A patrol officer of the Coast Guard and members of the Coast Guard Auxiliary will advise when the area is closed. A patrol officer is a commisioned, warrant, or petty officer of the Coast Guard.

c. The patrol officer will be on a law enforcement vessel (either a Coast Guard vessel or a Coast Guard Auxiliary vessel), displaying a Coast Guard ensign, to enforce the laws in general and these local regulations in particular. The operator of a vessel shall obey the orders of a patrol officer. In addition, the operator of a vessel upon hearing five or more short blasts from a law enforcement vessel, shall stop immediately and then proceed as directed by the patrol officer.

d. If a member of the Coast Guard Auxiliary is present he will be on a patrol vessel displaying the Coast Guard Auxiliary flag. Through the use of signs and hand signals a member of the Auxiliary may inform the operator of a vessel of the special local regulations and the applicable laws.

2. For any violation of these regulations penalties are authorized by law in 33 CFR 100.50.

ROSS P. BULLARD,
Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

JULY 7, 1972.

[FR Doc.72-11060 Filed 7-18-72;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21115, etc.]

WISCONSIN POINTS DEHYPHENATION CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 8, 1972, at 10 a.m. (local time), in the Outagamie County Courthouse, 410 South Walnut Street, Appleton, WI, before the undersigned examiner.[1]

Dated at Washington, D.C., July 13, 1972.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.72-11100 Filed 7-18-72;8:51 am]

[1] Notice of prehearing conference in this matter was published at 37 F.R. 1074, Jan. 23, 1972.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality, July 3 to July 7, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding these statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803.

Draft, June 28

Lower Rio Grande Basin, Tex. Counties: Cameron, Wilacy, and Hidalgo. The statement considers H.R. 645, which would provide a three-phase program of floodwater channel improvements and other structures, and land treatment measures on 1,014,000 acres of the Basin. Total cost would be $172 million. Pollutants will be delivered to estuaries at a faster rate than at present; among the adverse effects of this would be the impairment of seatrout and shrimp fisheries in Laguna Madre. Approximately 28,000 acres, much of it agricultural land, will be taken by the project. (14 pages) (ELR Order No. 01002) (NTIS Order No. EIS 72 1002D)

FOREST SERVICE

Draft, July 5

Monongahela National Forest, W. Va. County: Randolph. The statement considers the approval by the Forest Service of "operating plans" proposed by the owner of minerals underlying a portion of the forest, under which a leasee would mine coal at two sites. The action would result in the significant disturbance of 12 acres of forest land; possible erosion and acid mine drainage; a significant increase in the use of low-class forest roads; and the potential disruption of black bear breeding area and a portion of the only known range of a rare Salamander. (58 pages) (ELR Order No. 04833) (NTIS Order No. EIS 72 4833D)

RURAL ELECTRIFICATION SERVICE

Draft, June 29

Blue Ridge Electric, N.C. Counties: Wilkes, Watauga, and Ashe. The statement considers a proposed loan of $169,000 to the Blue Ridge Electric Membership Corp. The funds would be utilized to construct 22 miles of 230 kv. line; convert 26.5 miles of 46 kv. line to 100 kv.; and purchase right-of-way for parallel circuits. The lines will be intrusions upon the landscape. (65 pages) (ELR Order No. 04810) (NTIS Order No. EIS 72 4810D)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973-7373.

Draft, June 30

Zion Nuclear Power Station, Ill. County: Lake. The statement evaluates the continuation of construction permits and the issuance of an operating permit to the Commonwealth Edison Co. for the station. Each of the two pressurized water reactors will produce 3,250 MWt to generate 1,100 MWe. Excess heat will be discharged to Lake Michigan by a once-through, 1,530,000 g.p.m. cooling system. The station has had an adverse effect upon Lake Michigan beach property, by preventing access and causing erosion. Approximately 10 curies of radioactive liquid waste, along with 2,000 curies of tritium and 4,400 curies of radioactive gaseous wastes, will be discharged annually to the environment. (209 pages) (ELR Order No. 04817) (NTIS Order No. EIS 72 4817D)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Col. William L. Barnes, Executive Director of Civil Works, Attention: DAEN-CWZ-C, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Draft, June 30

Salem Harbor Status. The statement refers to the construction of Unit 4, a 465-MWe generating unit, with boiler and turbine buildings, a stack and substations, and a new fishing wharf. Approximately 160,000 g.p.m. of ocean water will be used for cooling purposes with a resulting effect upon marine life; an increase in oil tanker arrivals, from two to five per month, will result; period dredging of the harbor will become necessary. (109 pages) ELR Order No. 04813) (NTIS Order No. EIS 72 4813D)

Draft, July 7

Mamaroneck Harbor, N.Y. The statement considers the maintenance dredging of the Federal channel of the harbor. Spoil would be disposed of in approved dumping grounds in the New York Bight. Temporary turbidity will damage marine ecosystems (13 pages) (ELR Order No. 04846) (NTIS Order No. EIS 72 4846D)

Draft, July 5

Raystown Lake, Pa. County: Huntingdon. The statement considers the construction of a 1,700-foot long, 226-foot high earthfill dam on the Raystown Branch of the Juniata River, and an 8,300 acre lake. Purposes of the project are flood control, fish and wildlife enhancement, recreation, and low-flow regulate. In addition to the 8,300 acres permanently inundated, 2,500 acres will be periodically inundated; 29,314 acres will be acquired for the project. Displacements will number 1,320 residences. (70 pages) (ELR Order No. 04834) (NTIS Order No. EIS 72 4834D)

Final, July 3

Jacksonville Harbor, Fla. The statement refers to the dredging of an 11-mile stretch of the St. John's River channel, from Blount Island to the municipal terminals. The channel would be deepened to 38 feet and widened to 400 feet to 1,200 feet. Spoil would be deposited at 11 sites, totaling 905 acres of land and 108 acres of open water. Marine ecosystems will be damaged; wildlife and vegetation will be adversely affected at the upland sites. (89 pages) Comments made by: EPA DOI (ELR Order No. 04826) (NTIS Order No. EIS 72 4826F)

Dively Drainage District, Ill. The statement considers the construction of 3.53 miles of earthen levee, three gravity drains and collector ditches, and 3,800 feet of riprap on the Kaskaskia River. The purpose of the action is that of flood control. One result will be the conversion of wooden land to cropland, with adverse effects upon wildlife. (56 pages) Comments made by: USDA EPA DOI (ELR Order No. 04827) (NTIS Order No. EIS 72 4827F)

Milwaukee and Port Washington, Wis. Counties: Milwaukee and Ozaukee. The statement considers the maintenance dredging, to authorized dimensions, of the two harbors. Spoil would be deposited at a diked site. The 44-acre site, presently aquatic habitat, would be converted to land; aquatic life would be damaged and/or destroyed. (62 pages) Comments made by: USCG EPA DOI (ELR Order No. 04822) (NTIS Order No. EIS 72 4822F)

FEDERAL POWER COMMISSION

Contact: Mr. Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386-6084.

Draft, July 7

Wallace Dam Project No. 2413, Ga. County: Several. The statement considers an application by the Georgia Power Co. to provide recreation facilities on 295 acres of the project. An additional 1,520 acres will be acquired for future use. The statement mentions no significant and adverse impact. (21 pages) (ELR Order No. 04849) (NTIS Order No. EIS 72 4849D)

Draft, July 5

Gren River Project No. 2563, N.C. Counties: Henderson and Polk. The statement considers an application for licensing by the Duke Power Co. The project consists of two developments; one has a hydroelectric plant of two 2,500-kw. generators, the other a plant of two 2,750-kw. generators. As the developments have been in operation since 1925, the statement foresees no significant and adverse impacts. (87 pages) (ELR Order No. 04831) (NTIS Order No. EIS 72 483D)

Draft, June 30

Puget 2495, Wash. County: Pierce. The statement considers an application by the Puget Sound Power & Light Co. for its Project No. 2495, a 12-foot high, 200-foot long timber dam with a four-unit, 25,500-kw. powerplant. The project has been in operation since 1904; no significant adverse impact is mentioned in the statement. (10 pages) (ELR Order No. 04811) (NTIS Order No. EIS 72 4811D)

Draft, July 5

White River, Project No. 2494, Wash. County: Pierce. The statement considers the relicensing of Puget Sound Power & Light Co.'s Project 2494, a hydroelectric power complex. The powerhouse contains two 20,000-kw. and two 15,000-kw. generators. As the project has been in operation since 1912, no additional environmental impact is expected. (14 pages) (ELR order No. 04830) (NTIS order No. EIS 72 4830D)

Final, July 3

Lacassine Project, La. The statement considers the approval of an application filed by the Michigan Wisconsin Pipeline Co. for the construction of a 22.1-mile long, 30-inch natural gas pipeline from

Block 71 offshore to a compressor station near Lake Arthur, Cameron Parish. The route will traverse marshland (including 3.4 miles of the Lacassine National Wildlife Refuge) and important rearing and nesting areas. (37 pages) Comments made by: USDA DOC EPA DOI COE (ELR Order No. 04820) (NTIS Order No. EIS 72 4820F)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use Planning Divison, Washington, D.C. 20410, 202—755-6186.

Draft, July 5

Desalinization Plants. The statement considers the construction of two 2,250,000 g.p.d. sea water desalinization plants, one on St. Thomas, the other on St. Croix, in order to provide commercial, industrial, and residential water. The statement discusses no significant adverse environmental impact. (43 pages) (ELR Order No. 04832) (NTIS Order No. EIS 72 4832D)

INTERNATIONAL BOUNDARY AND WATER COMMUNICATIONS

Draft, July 6

Lower Rio Grande Flood Control, Tex. The statement considers the construction of a low-earthsill in the entrance to the north floodway to restore diversion of low flows to the Arroyo Colorado before flows begin into the north floodway. Two acres of borrow area will have ground cover removed due to the action. (29 pages) (ELR Order No. 04838) (NTIS Order No. EIS 72 4838D)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Mr. Donald F. Bozarth, Director of Current Planning and Programming, Washington, D.C. 20576, 202—382-1471.

Draft, June 30

Fort Lincoln. The statement considers the development of a racially, socially, economically, and functionally inclusive community of 16,000 persons. Development coverage of the 359.15-acre site will increase from 25 to 70 percent. Adverse effects from this changed land use will include increases in surface runoff, solid wastes, traffic, and noise levels. (122 pages) (ELR Order No. 04818) (NTIS Order No. EIS 72 4818D)

NATIONAL SCIENCE FOUNDATION

Draft, July 6

Very Large Array (VLA), N. Mex. Counties: Socorro and Catron. The statement refers to the development of a new radio astronomy instrument, which would be constructed on a site 50 miles from Socorro. The VLA will consist of 27 dish-shaped antennas (each 82 feet in diameter), distributed along three 13-mile long arms, consisting of railroad tracks shaped in the form of a wye. Approximately 3,400 acres will be committed to the project. As the VLA receives radio waves rather than emits them, no electromagnetic radiation will be associated with the operation; mining and manufacturing will however be prohibited from the valley. (16 pages) (ELR Order No. 04840) (NTIS Order No. EIS 72 4840D)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615—755-2002.

Draft, July 3

Widows Creek, Ala. County: Jackson. The statement considers the installation of a full-scale research and demonstration wet-limestone SO2 scrubber on unit 8 of the plant. The purpose is the development of technology for the removal of SO2. A disposal pond will also be constructed in order to accommodate waste slurry and ash. Adverse impact will include the relocation of Widows Creek embayment and the loss of aquatic life in 0.2 percent of Guntersville Reservoir. (38 pages) (ELR Order No. 04819) (NTIS Order No. EIS 72 4819D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426-4355.

FEDERAL AVIATION AGENCY

Draft, June 30

Bradley International Airport, Conn. County: Hartford. The proposed project is the construction, lighting, and marking of a 1,000-foot runway extension, and a parallel taxiway, installation of inrunway lighting and relocation of an existing navigational aid on airport property. Approximately 2,300 feet of Spencer Brook will be relocated of which 1,000 feet will be channelized. Air and noise pollution will increase due to heavier airport traffic. (119 pages) (ELR Order No. 04816) (NTIS Order No. EIS 72 4816D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, June 26

I-84, Conn. The statement considers the construction of 22.3 miles of four-lane interstate highway, from Williamantic to the Connecticut-Rhode Island State line. The highway would require 930 acres of right of way; 30 residences and two businesses would be displaced. A 4(f) statement will be filed as some public land would be taken. (308 pages) (ELR Order No. 04779) (NTIS Order No. EIS 72 4779D)

Draft, July 5

Connecticut Route 9, Conn. Counties: Hartford and Middlesex. The project involves the extension of Connecticut Route 9 from I-91 in Cromwell to Connecticut 15 in Berlin, a distance of approximately 2.2 miles. Fifteen acres of section 4(f) land will be taken from Webster Park. One or two businesses and between five and 10 families will be displaced by the action. (43 pages) (ELR Order No. 04836) (NTIS Order No. EIS 72 4836D)

U.S.-98, Fla. County: Polk. The statement considers the reconstruction of 2.5 miles of highway from two to four lanes, between U.S.-92 and I-4, in the city of Lakeland. An unspecified amount of land, some of it swamp will be taken for right-of-way. A 4(f) statement will be filed as public land would be affected. (27 pages) (ELR Order No. 04837) (NTIS Order No. EIS 72 4837D)

Draft, July 6

South Suburban Freeway, Ill. Counties: Will and Cook. The statement is concerned with corridor selection for the proposed 30 mile, multilane, median-divided, fully access controlled South Suburban Freeway. The proposal will require an unspecified amount of land (including wetlands and agricultural croplands). (87 pages) (ELR Order No. 04842) (NTIS Order No. EIS 72 4842D)

Draft, June 29

Freeway 518, Iowa. Counties: Black Hawk and Bremer. The statement refers to the construction of 18.6 miles of new highway, from Cedar Falls to Iowa Highway 3. Three spans of the Cedar River will be constructed. Approximately 120 residences will be displaced in Cedar Falls. A 4(f) statement will be prepared as public park land would be taken. (100 pages) (ELR Order No. 04809) (NTIS Order No. EIS 72 4809D)

Draft, July 7

Iowa 21, Iowa. Counties: Benton and Tama. The statement is concerned with the proposed widening of Iowa 21 from 22 to 24 feet, providing new pavement, 10-foot stabilized shoulders and a channelized intersection. An unspecified amount of agricultural land will be committed to transportation uses. One family will be displaced. (8 pages) (ELR Order No. 04843) (NTIS Order No. EIS 72 4843D)

Draft, July 5

F.A.S. Route 406, Kans. County: Linn. The action is the proposed reconstruction of approximately 3.104 miles of F.A.S. Route 405 from Broadway Street to its intersection with U.S. 69; 4(f) land will be taken from the Marias des Cygnes Waterfowl Area for construction of 2.87 miles of the roadway. Approximately 10.4 acres will be committed to the project. Air and noise pollution will increase; soil will be lost to erosion. (33 pages) (ELR Order No. 04835) (NTIS Order No. EIS 72 4835D)

Draft, July 7

Route T, Mo. County: Platte. The statement considers the construction of 4.7 miles of 2-lane roadway, from the proposed I-435 to I-29. Approximately 200 acres of land will be committed to the project with a resulting effect upon local wildlife populations. Approximately 800 feet of Brush Creek will be channelized. (24 pages) (ELR Order No. 04845) (NTIS Order No. EIS 72 4845D)

Draft, June 28

S.R. 41, Ohio. County: Miami. The statement considers the reconstruction of S.R. 41 at its intersection with I-75, in the city of Troy. Two families and one business will be displaced by the project. (27 pages) (ELR Order No. 04797) (NTIS Order No. EIS 72 4797D)

Draft, July 7

L.R. 11050, Pa. County: Cambria. Proposed action involves relocation of 3.2 miles of L.R. 11050. Required for right-of-way are 87 acres of farm and woodland. Seven residences, one business and 16 other buildings will be displaced. (28 pages) (ELR Order No. 04844) (NTIS Order No. EIS 72 4844D)

Draft, June 30

Spur 232, Tex. County: Lubbock. The project involves construction of a six-lane facility with a 20-foot raised median and construction of a diamond-type interchange between Spur 232 and U.S. 82. Project length is 1 mile. Approximately 11.5 acres of land will be commited to highway use; one family will be displaced by the action. (18 pages) (ELR Order No. 04815) (NTIS Order No. EIS 72 4815D)

Draft, July 6

Newcastle Marginal, Wyo. County: Weston. The statement is concerned with construction of a marginal route for U.S. 16 along the southern edge of the city of Newcastle. Project length is approximately 1.8 miles. Increased noise levels, dust, soil exposure, and traffic disruption will occur. (13 pages) (ELR Order No. 04839) (NTIS Order No. EIS 72 4839D)

Final, June 29
Boulder Junction Road, Wis. County: Vilas. The statement is concerned with the proposed reconstruction of 7.3 miles of County Trunk Highway "M" in the town of Boulder Junction. Approximately 90 acres of the Northern Highland State Forest will be taken by the project. A 4(f) statement will be filed. (32 pages) Comments made by: USDA, DOI, HEW (ELR Order No. 04807) (NTIS Order No. EIS 72 4807D)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-11093 Filed 7-18-72;8:54 am]

ENVIRONMENTAL PROTECTION AGENCY

PROPOSED IMPLEMENTATION PLAN REGULATIONS

Notice of Cancellation of Public Hearings

On June 14, 1972, the Administrator published proposed regulations (37 F.R. 11826) to correct certain deficiencies in State plans for the implementation of national ambient air quality standards. In that publication, the Administrator also gave notice of his intent to hold public hearings on the proposals. Notice of the dates, times, and places of hearings on such proposed regulations for the States of Kentucky and Ohio and for the Virgin Islands was published June 15, 1972 (37 F.R. 11915). Notice of the date, time, and place of the public hearing for the State of Arkansas was published July 6, 1972 (37 F.R. 13299).

In the preamble to the June 14 proposal, the Administrator pointed out that where States submit approvable regulations subsequent to the EPA proposal, the Agency would withdraw the proposed regulations and approve the State regulations. It has now been determined that the States of Arkansas, Kentucky, and Ohio and the Virgin Islands have taken the actions necessary to make all regulatory portions of their plans approvable. Formal approval of the previously disapproved portions of these plans will be published shortly and the proposed regulations will be withdrawn.

Accordingly, the need for public hearings on the proposed regulations no longer exists and the hearings are hereby canceled. Additional notices of cancellation have been provided by Regional Administrators through news media in areas in which the hearings were to have been held.

Dated: July 13, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-11107 Filed 7-18-72;8:53 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 604]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted For Filing [2]

JULY 10, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

9368-C2-P-72—Southern Radio-Phone, Inc. (KLF537), for additional facilities to operate on 454.250 MHz at a new site described as location No. 2: 3.7 miles west of Princeton, Fla.

9376-C2-P-72—Airsignal International, Inc. (KAF245), for an additional transmitter to operate on 43.58 MHz at location No. 1: Commerce Tower Building, Ninth and Main Streets, Kansas City, Mo.

9377-C2-P-(2)-72—Massachusetts-Connecticut Mobile Telephone Co. (New), for a new 2-way station to be located at the end of Cook Drive, Montville, Conn., to operate on 454.050 and 454.275 MHz.

9381-C2-P-(2)-72—Bell Telephone Co. of Pennsylvania (KGH867), change the transmitter power operating on 152.54 and 152.75 MHz located at 11th and Pardee Streets, Hazleton, Pa.

9387-C2-P-72—Susquehanna Mobile Communications, Inc. (KGI784), change the antenna system and location of facilities operating on 158.700 MHz located at WHP-TV site, Blue Mountain, near Harrisburg, Pa.

2964-C2-P-72—Baymore Communications (KLF565), for additional facilities to operate on 152.120 MHz located at the intersection of U.S. No. 31 and county Nos. 41 and 61, northwest of Bench Mark No. 288, Perdido, Ala.

04-C2-P-73—Tele-Page, Inc. (New), for a new 2-way station to be located at 2808 Edgewood Avenue, Columbia, S.C., to operate on 454.025 MHz.

Major Amendment

5216-C2-P-72—Professional Administrative Services, Inc. (KIG300), amended to show the name of applicant as: American Communication Systems, Inc. See Report No. 584, dated February 22, 1972.

RURAL RADIO SERVICE

9369-C1-P/L-72—General Telephone Co. of the Southwest (New), for a new rural subscriber station to be located near the Intersection of Highway Nos. 1780 and 1585, Levelland, Tex., to operate on 157.83 and 158.01 MHz.

9378-C1-ML-72—RCA Alaska Communications, Inc. (WGF81), change frequency 162.30 MHz to 162.15 MHz, location: Biorka Island PAA, Biorka Island, Alaska.

9379-C1-ML-72—(WGF82)—Same as above except, location: PAA VHF Building on Cordova Airport, Cordova, Alaska.

9380-C1-ML-72—(WGF83)—Same except, location: 1 mile south of Bettles Airport, Bettles, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

9323-C1-P-72—Data Transmission Co. (New), new station located 3 miles southwest of Coffeyville, Kans. Latitude 37°00'26" N., longitude 95°40'28" W. Frequency towards Nowata is 6152.8H MHz on azimuth 187°02'. Frequency towards Cherryvale is 6123.1H MHz on azimuth 6°04'.

9324-C1-P-72—Data Transmission Co. (New), new station located 4.5 miles southeast of Sycamore, Kans. Latitude 37°18'36" N., longitude 95°38'03" W. Frequency towards Coffeyville is 6375.2V MHz on azimuth 186°05'. Frequency towards Galesburg is 6404.8V MHz on azimuth 42°30'.

9325-C1-P-72—Data Transmission Co. (New), new station located 0.2 mile northeast of Anaconda, Mo. Latitude 38°18'18" N., longitude 91°02'12" W. Frequency 6404.8V MHz on azimuth 287°55' toward Rosebud, Mo. Frequency 6197.2V MHz on azimuth 78°29' toward House Springs, Mo.

9326-C1-P-72—Data Transmission Co. (New), new station located 4.6 miles west of Nowata, Okla. Latitude 36°41'36" N., longitude 95°43'21" W. Frequency 6375.2V MHz on azimuth 189°55' toward Owasso, Okla. and frequency 6404.8H toward Coffeyville, Kans. on azimuth 7°00'.

9327-C1-P-72—Data Transmission Co. (WKR32), 7 miles south-southeast of Weatherford, Tex. Latitude 32°40'21" N., longitude 97°44'11" W. C.P. to add frequency 6152.8V MHz toward Skeen Peak, Tex. on azimuth 349°57'.

9360-C1-P-72—Indiana Bell Telephone Co. (KSJ45), 240 North Meridian Street, Indianapolis, IN. Latitude 39°46'16" N., longitude 86°09'29" W. C.P. to change antenna on frequencies 6226.9H, 6286.2H, 6345.5H MHz toward Noblesville, Ind.

9361-C1-P-72—Same (KSV85), 2.8 miles southeast of Noblesville, Ind. Latitude 40°00'38" N., longitude 85°59'44" W. C.P. to change antenna system and update Emission Designators on frequencies 5974.8V, 6034.2V, 6093.5V MHz toward Indianapolis, Ind.; 5974.8H, 6034.2H, 6093.5H MHz toward Anderson, Ind.

9362-C1-P-72—Same (KSV86), 1100 feet west of South 23d and Raible Streets, Anderson, Ind. Latitude 40°05'37" N., longitude 85°42'52" W. C.P. to change antenna system on frequencies 6226.9V, 6345.5V, 6404.8V MHz toward Noblesville, Ind.; 6286.2H, 6404.8H MHz toward Muncie, Ind.

9363-C1-P-72—Same (KSV87), 329 East Jackson Street, Muncie, IN. Latitude 40°11'33" N., longitude 85°23'00" W. C.P. to change frequencies 5974.8V, 6152.8V MHz toward Anderson, Ind.

9364-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), 0.4 mile southwest of Chimney Corners, Va. Latitude 37°24'00" N., longitude 77°25'36" W. C.P. to add frequency 5945.2V MHz toward Midlothian, Va.; 11,625.0H MHz toward Richmond, Va.; 5945.2H MHz toward Disputanta, Va.

9365-C1-P-72—Same (New), 1.7 miles southeast of Bowers Hill, Va. Latitude 36°46'08" N., longitude 76°23'38" W. C.P. to add frequency 5974.8V MHz toward Kings Fork, Va.; 11,665.0H, 11,265.0H MHz toward Norfolk, Va.

INFORMATIVE: Applicant, MCI Mid-Atlantic Communications, Inc., is modifying its original proposal for specialized common carrier radio service between Washington, D.C., and Atlanta, Ga., by filing two new applications to extend the system to Norfolk, Va.

9364-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), Chimney Corners, Va. A new station located 0.4 mile southwest of Chimney Corners, Va., at latitude 37°24'00", longitude 77°25'36". Frequencies 5945.2V MHz on azimuth 294°34' toward Midlothian, Va., and 11,625.0H MHz on azimuth 355°47' toward Richmond, Va., and 5945.2H MHz on azimuth 143°11' toward Disputanta, Va.

9365-C1-P-72—Same as above (New), Bowers Hill, Va. A new station located at 1.7 miles southeast of Bowers Hill, Va., at latitude 36°46'03", longitude 76°23'38". Frequencies 5974.8V MHz on azimuth 273°59' toward Kings Fork, Va., and 11,665.0H MHz and 11,265.0H MHz on azimuth 47°16' toward Norfolk, Va.

POINT-TO-POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)

(INFORMATIVE: Applicant, MCI Texas-East Microwave, Inc., is modifying its original proposal for Specialized Common Carrier Radio Service between Dallas, Tex., and New Orleans, La., by filing 24 new applications below.)

(6520-C1-P-72)—MCI Texas-East Microwave, Inc. (New), *Site 2*, Irving, Tex. C.P. for a new station at the intersection of Highway 183 and Darr Street at latitude 32°50'02", longitude 96°55'11". Frequencies 11625.0V MHz, 11225.0V MHz on azimuth 114°59' toward Dallas, Tex., and 11665.0V MHz, 11265.0V MHz on azimuth 233°22' toward Arlington, Tex.

(6521-C1-P-723—Same as above (New), *Site 3*, Arlington, Tex. C.P. for a new station at 1932 East Abram Street, Arlington, Tex., at latitude 32°44'04", longitude 97°04'40". Frequencies 10735.0H MHz, 11135.0H MHz on azimuth 53°17' toward Irving, Tex., and 6226.9V MHz on azimuth 223°50' toward Burleson, Tex.

(6522-C1-P-72)—Same as above (New), *Site 6*, Covington, Tex. C.P. for a new station 4.3 miles north of Covington, Tex., at latitude 32°14'37", longitude 97°14'59". Frequencies 6226.9V MHz on azimuth 346°42' toward Burleson, Tex., and 6226.9H MHz on azimuth 125°33' toward Milford, Tex.

(6523-C1-P-72)—Same as above (New), *Site 14*, Westfield, Tex. C.P. for a new station 3.5 miles west-southwest of Westfield, Tex., at latitude 29°59'56", longitude 95°27'20". Frequencies 6197.2V MHz on azimuth 317°49' toward Mostyn, Tex., and 6226.9V MHz on azimuth 119°02' toward Kinwood, Tex.

(6524-C1-P-72)—Same as above (New), *Site 18*, Beach, Tex. C.P. for a new station 4.4 miles east-northeast of Beach, Tex., at latitude 30°20'52", longitude 95°21'06". Frequencies 6197.2H MHz on azimuth 244°40' toward Mostyn, Tex., and 6226.9H MHz on azimuth 71°02' toward Shepherd, Tex.

(6525-C1-P-72)—Same as above (New), *Site 19*, Shepherd, Tex. C.P. for a new station 2.8 miles south of Shepherd, Tex., at latitude 30°27'12", longitude 94°59'44". Frequencies 5974.8H MHz on azimuth 251°13' toward Beach, Tex., and 5945.2V MHz on azimuth 48°07' toward Schwab City, Tex.

(6526-C1-P-72)—Same as above (New), *Site 20*, Schwab City, Tex. C.P. for a new station 8.5 miles northeast of Schwab City, Tex., at latitude 30°40'00", longitude 94°43'12". Frequencies 6197.2V MHz on azimuth 228°15' toward Shepherd, Tex., and 6226.9H MHz on azimuth 154°26' toward Thicket, Tex., and 6226.9V MHz on azimuth 68°09' toward Woodville, Tex.

(6527-C1-P-72)—Same as above (New), *Site 21*, Thicket, Tex. C.P. for a new station 4.6 miles southeast of Thicket, Tex., at latitude 30°22'14", longitude 94°33'24". Frequencies 5974.8H MHz on azimuth 334°31' toward Schwab City, Tex., and 6004.5H MHz on azimuth 118°54' toward Silsbee, Tex.

(6528-C1-P-72)—MCI Texas-East Microwave, Inc. (New), *Site 24*, Woodville, Tex. C.P. for a new station 5.5 miles east-northeast of Woodville, Tex., at latitude 30°48'07", longitude 94°19'39". Frequencies 5974.8V MHz on azimuth 248°21' toward Schwab City, Tex., and 5945.2H MHz on azimuth 82°09' toward Roganville, Tex.

(6529-C1-P-72)—Same as above (New), *Site 25*, Roganville, Tex. C.P. for a new station 3.3 miles north of Roganville, Tex., at latitude 30°51'09", longitude 93°53'48". Frequencies 6197.2H MHz on azimuth 262°22' toward Woodville, Tex., and 6226.9H MHz on azimuth 92°52' toward Knight, La.

(6530-C1-P-72)—Same as above (New), *Site 26*, Knight, La. C.P. for a new station 5.7 miles south of Knight, La., at latitude 30°49'56", longitude 93°26'48". Frequencies 5974.8H MHz on azimuth 273°06' toward Roganville, Tex., and 5945.2V MHz on azimuth 74°39' toward Cravens, La.

(6531-C1-P-72)—Same as above (New), *Site 27*, Cravens, La. C.P. for a new station 3 miles south-southwest of Cravens, La., at latitude 30°55'29", longitude 93°03'11". Frequencies 6197.2V MHz on azimuth 254°52' toward Knight, La., and 6197.2V MHz on azimuth 100°35' toward Oakdale, La.

(6532-C1-P-72)—Same as above (New), *Site 28*, Oakdale, La. C.P. for a new station 2.4 miles north of Oakdale, La., at latitude 30°51'39", longitude 92°39'38". Frequencies 5945.2H MHz on azimuth 230°47' toward Cravens, La., and 5945.2H MHz on azimuth 119°09' toward Ville Platte, La.

POINT-TO-POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)—Continued

(6533–C1–P–72)—Same as above (New), *Site 29*, Ville Platte, La. C.P. for a new station 1.7 miles west of Ville Platte, La., at latitude 30°41'35", longitude 92°18'48". Frequencies 6256.5V MHz on azimuth 299°19' toward Oakdale, La., and 6226.9H MHz on azimuth 116°31' toward Washington, La.

(6534–C1–P–72)—Same as above (New), *Site 30*, Washington, La. C.P. for a new station 1.7 miles south of Washington, La., at latitude 30°35'09", longitude 92°03'56". Frequencies 5974.8V MHz on azimuth 296°39' toward Ville Platte, La., and 5945.2V MHz on azimuth 61°14' toward Melville, La.

(6535–C1–P–72)—Same as above (New), *Site 31*, Melville, La. C.P. for a new station 2.6 miles north of Melville, La., at latitude 30°43'56", longitude 91°45'22". Frequencies 6197.2V MHz on azimuth 241°23' toward Washington, La., and 6226.9V MHz on azimuth 112°37' toward Dupont, La.

(6536–C1–P–72)—MCI Texas-East Microwave, Inc. (New), *Site 32*, Dupont, La. C.P. for a new station 0.9 mile south of Dupont, La., at latitude 30°37'53", longitude 91°28'37". Frequencies 5974.8V MHz on azimuth 292°45' toward Melville, La., and 5945.2H MHz on azimuth 105°57' toward Scotlandville, La.

(6537–C1–P–72)—Same as above (New), *Site 33*, Scotlandville, La. C.P. for a new station 1.9 miles north of Scotlandville, La., at latitude 30°33'32", longitude 91°11'06". Frequencies 6197.2H MHz on azimuth 286°05' toward Dupont, La., and 10735.0V MHz, 11135.0V MHz on azimuth 157°13' toward Baton Rouge, La.

(6538–C1–P–72)—Same as above (New), *Site 35*, Denham Springs, La. C.P. for a new station 1 mile south of Denham Springs, La., at latitude 30°27'27", longitude 90°57'42". Frequencies 5974.8V MHz on azimuth 267°21' toward Baton Rouge, La., and 5960.0H MHz on azimuth 183°27' toward Marchandville, La.

(6539–C1–P–72)—Same as above (New), *Site 36*, Marchandville, La. C.P. for a new station 2.5 miles north-northwest of Marchandville, La., at latitude 30°09'54", longitude 90°58'55". Frequencies 6241.7H MHz on azimuth 03°26' toward Denham Springs, La., and 6212.0H MHz on azimuth 113°31' toward Gramercy, La.

(6540–C1–P–72)—Same as above (New), *Site 37*, Gramercy, La. C.P. for a new station 1 mile southeast of Gramercy, La., at latitude 30°03'36", longitude 90°42'10". Frequencies 5989.7H MHz on azimuth 293°39' toward Marchandville, La., and 5960.0V MHz on azimuth 87°18' toward La Place, La.

(6541–C1–P–72)—Same as above (New), *Site 38*, La Place, La. C.P. for a new station 1 mile west-southwest of La Place, La., at latitude 30°04'12", longitude 90°27'10". Frequencies 6241.7V MHz on azimuth 267°26' toward Gramercy, La., and 6212.0V MHz on azimuth 142°19' toward Luling, La.

(6542–C1–P–72)—Same as above (New), *Site 39*, Luling, La. C.P. for a new station 1.5 miles northeast of Luling, La., at latitude 29°56'34', longitude 90°20'33". Frequencies 5989.7V MHz on azimuth 322°23' toward La Place, La., and 5960.0H MHz on azimuth 111°22' toward Marrero, La.

Same as above (New), *Site 57*, Blanchard, La. C.P. for a new station 1.9 miles east-northeast of Blanchard, La., at latitude 32°35'18", longitude 93°51'26". Frequencies 5945.2V MHz on azimuth 240°34' toward Gill, Tex., and 10775.0V MHz, 11175.0V MHz on azimuth 129°04' toward Shreveport, La.

POINT-TO-POINT MICROWAVE RADIO SERVICE

(9366–C1–P–72)—Continental Telephone Co. of California (KMQ42), 3.5 miles southwest of Weaverville, Calif., latitude 40°43'11" N., longitude 122°58'46" W. C.P. to add frequency 4110V MHz toward Passive Reflector via Hayfork, Calif.

(9367–C1–P–72)—Same (KNL64), Highway 3, Hayfork, Calif., latitude 40°33'15" N., longitude 123°11'09" W. C.P. to add frequency 3930V MHz toward Passive Reflector via Oregon Mountain, Calif.

9370–C1–P–72—General Telephone Co. of Florida (KIT47), 200 Avenue B, Northwest Winter Haven, Fla., latitude 28°01'24" N., longitude 81°43'48" W. C.P. to add frequency 3750V MHz toward Eva, Fla.

9371–C1–P–72—Same (KGP53), on Highway 33, 2.3 miles south of Eva, Fla., latitude 28°-17'37" N., longitude 81°49'57" W. C.P. to add frequency 3710V MHz toward Winter Haven, Fla.

9372–C1–P–72—Hawaiian Telephone Co. (KUR96), 252 Koa Street, Wahiawa, Hawaii, latitude 21°30'16" N., longitude 158°01'38" W. C.P. to add frequency 2161V MHz toward Mount Kaala, Hawaii.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

9373–C1–P–72—Same (KUV95), 4.3 miles south of Waialua, Mount Kaala, Hawaii, latitude 21°30'51" N., longitude 158°09'08" W. C.P. to add frequency 2111V MHz toward Wahiawa, Hawaii.

9374–C1–P–72—The Pacific Telephone & Telegraph Co. (KMQ63), 1 mile southwest of Pennington, Calif., latitude 39°17'14" N., longitude 121°48'49" W. Modification of license to change polarization from V to H on frequencies 3710H, 3790H, 3870H, 3950H, 4030H, and 4110H MHz toward Wolf Creek, Calif.

INFORMATIVE: The applications below were filed for the purpose of maintaining on file those parts of Southern Pacific Communications Co.'s proposal that are to be considered with other parts of its proposal that has not been cleared with other applicants and carriers within this area. This separation will permit further consideration by the Commission of those applications complying with Docket 18920.

(9382–C1–P–72)—Southern Pacific Communications Co. (New), SP Building, Humble Oil Tank Farm, Satsuma, Tex., latitude 29°54'42" N., longitude 95°37'02" W. C.P. to add frequency 6063.8V and 6004.5H MHz toward Rosenburg, Houston, Tex.

(9383–C1–P–72)—Same (New), 913 Franklin Avenue, Houston, Tex., latitude 29°45'48" N., longitude 95°21'37" W. C.P. to add frequency 6256.5V MHz toward Satsuma, Tex.

(9388–C1–P–72)—New York-Penn Microwave Corp. (KGO27), 4.25 miles north of Dandaff, Elk Hill, Pa., latitude 41°42'54" N., longitude 75°33'42" W. C.P. to add frequency 6301.0H MHz toward Robwood Mountain, Pa.

9389–C1–P–72—New York-Penn Microwave Corp. (KGO28), 7.5 miles south-southeast of Towanda, Robwood Mountain, Pa. Latitude 41°39'07" N., longitude 76°24'42" W. C.P. to replace transmitter and change power on frequency 6137.9V MHz toward Hawley Hill, N.Y.; 6137.9V MHz toward Rutland, Pa.

9390–C1–P–72—Same (KGJ35), 4 miles northwest of Rutland, Tower Hill, Pa. Latitude 41°-54'38" N., longitude 77°00'41" W. C.P. to add frequency 6390.0H MHz toward Canisteo Mountain, N.Y.; 6390.0H MHz toward Connecticut Hill, N.Y.; 6390.0H MHz toward Corning, N.Y.

9391–C1–P–72—Same (KEG41), 8 miles east-southeast of Canisteo Mountain, N.Y. Latitude 42°12'16" N., longitude 77°29'23" W. C.P. to add frequency 6137.9H MHz toward Hornell, N.Y.; 6137.9H MHz toward Bath, N.Y.; 6137.9H MHz toward Italy Hill, N.Y.; 6137.9H MHz toward Alma Hill, N.Y.

9392–C1–P–72—Same (KTF96), 1.5 miles north-northwest of Italy Hill, N.Y. Latitude 42°-37'13" N., longitude 77°15'17" W. C.P. to add frequency 6330.7H MHz toward Geneva, N.Y.; 6330.7H MHz toward Auburn, N.Y.

9393–C1–P–72—Same (KEL95), 6 miles south-southwest of Wellsville, Alma Hill, N.Y. Latitude 42°03'09" N., longitude 78°00'48" W. C.P. to add frequency 6390.0H MHz toward Olean, N.Y.; 6390.0H MHz toward Echo Mountain, N.Y.

9394–C1–P–72—Same (KTG27), 2.4 miles south-southwest of Humphrey, Echo Mountain, N.Y. Latitude 42°10'16" N., longitude 78°32'58" W. C.P. to add frequency 6137.9V MHz toward Frewsburg, N.Y.; 6137.9V MHz toward Bradford, Pa.

9395–C1–P–72—Same (KTG28), 3.5 miles east of Frewsburg, N.Y. Latitude 42°02'48" N., longitude 79°05'26" W. C.P. to add frequency 6390.0V MHz toward Jamestown, N.Y.; 6390.0V MHz toward Warren, Pa.

American Telephone & Telegraph Co. (KRS91), 3.5 miles southwest of Jasper, Ala. Latitude 33°47'48" N., longitude 87°20'32" W. C.P. to add frequency 6123.1V MHz toward Warrior, Ala. (9396–C1–P–72).

9397–C1–P–72—Same (KIS34), 4.5 miles northwest of Warrior, Ala. Latitude 33°50'42" N., longitude 86°52'59" W. C.P. to add frequency 6375.2H MHz toward Jasper, Ala.; 6375.2V MHz toward Nectar, Ala.

9398–C1–P–72—Same (KRS92), 2.9 miles north-northwest of Nectar, Ala. Latitude 33°59'38" N., longitude 86°39'54" W. C.P. to add frequency 6123.1H MHz toward Warrior, Ala.; 6123.1V MHz toward Douglas, Ala.

9399–C1–P–72—Same (KRR79), 0.5 mile northwest of Douglas, Ala. Latitude 34°10'56" N., longitude 86°20'05" W. C.P. to add frequency 6375.2H MHz toward Nectar, Ala.; 6375.2H MHz toward Crossville, Ala.

9400–C1–P–72—Same (KRR78), 1 mile south of Crossville, Ala. Latitude 34°16'11" N., longitude 86°59'37" W. C.P. to add frequency 6123.1V MHz toward Douglas, Ala.; 6123.1H MHz toward Fort Payne, Ala.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

9401-C1-P-72—American Telephone & Telegraph Co. (KRS89), 2 miles east of Fort Payne, Ala. Latitude 34°25'58" N., longitude 85°40'57" W. C.P. to add frequency 6375.2V MHz toward Crossville, Ala.; 6375.2V MHz toward Summerville, Ga.

9402-C1-P-72—Same (KRT23), 2.2 mils east of Summerville, Ga. Latitude 34°28'01" N., longitude 85°17'54" W. C.P. to add frequency 6123.1H MHz toward Fort Payne, Ala.; 6123.1H MHz toward Shannon, Ga.

9403-C1-P-72—Same (KRT21), 2 miles east of Shannon, Ga. Latitude 34°20'14" N., longitude 85°02'55" W. C.P. to add frequency 6375.2V MHz toward Summerville, Ga.; 6375.2H MHz toward Fairmount, Ga.

9402-C1-P-72—Same (KRT23), 2.2 miles east of Summerville, Ga. Latitude 34°28'01" N., longitude 84°40'49" W. C.P. to add frequency 6123.1V MHz toward Shannon, Ga.; 6123.1H MHz toward Emma, Ga.

9405-C1-P-72—Same (KRS95), 6.8 miles northwest of Emma, Ga. Latitude 34°31'27" N., longitude 84°20'30" W. C.P. to add frequency 6375.2V MHz toward Fairmount, Ga.; 6375.2H MHz toward Dahlonega, Ga.

9406-C1-P-72—Same (KRS93), 5 miles east-southeast of Dahlonega, Ga. Latitude 34°30'49" N., longitude 83°53'53" W. C.P. to add frequency 6123.1V MHz toward Emma, Ga.

9439-C1-P-72—Pacific Northwest Bell Telephone Co. (KOE81), 1708 East Pike Street, Seattle, WA. Latitude 47°36'53" N., longitude 122°18'31" W. C.P. to add frequency 4110H MHz toward Orting, Wash.

1-C1-P-73—American Telephone & Telegraph Co. (KEE60), 2.5 miles northwest of Colesville, N.J. Latitude 41°18'14" N., longitude 74°40'25" W. C.P. to add frequency 6063.8V MHz toward Jackie Jones Mountain, N.Y.

2-C1-P-73—Same (KEA63), 5 miles west of Stony Point, N.Y. Latitude 41°13'28" N., longitude 74°04'12" W. C.P. to add frequency 6315.9H MHz toward Colesville, N.J.

3-C1-P-73—Same (KED51), 400 Hamilton Avenue, White Plains, NY. Latitude 41°02'08" N., longitude 73°45'59" W. C.P. to add frequency 5974.8V MHz toward Jackie Jones Mountain, N.Y.

5-C1-P-73—Same (KKY47), 315 Division Street, Lake Charles, LA. Latitude 30°13'51" N., longitude 93°12'57" W. C.P. to add frequency 3850H MHz toward Edgerly, La.

6-C1-P-73—Same (KLR97), 2 miles north of Edgerly, La. Latitude 30°15'31" N., longitude 93°30'09" W. C.P. to add frequency 3810H MHz toward Peveto, Tex.

7-C1-P-72—Same (KLR96), 2 miles south of Peveto, Tex. Latitude 30°06'32" N., longitude 93°49'20" W. C.P. to add frequency 3850H MHz toward Beaumont, Tex.

9189-C1-TC-(13)-72—Interdata Communications, Inc. WIU99-Washington West; WIU86-Washington East; WIU87-Jessup, Md.; WIU88-Towson, Md.; WIU89-Perryman, Md.; WIU90-Northeast, Md.; WIU91-Five Points, N.J.; WIV20-Erial, N.J.; WIU92-Philadelphia, Pa.; WIU93-Arneys Mount, N.J.; KIU94-Carrs Corner, N.J.; WIU95-Keyport, N.J. and WIU98-New York, N.Y. Consent to Transfer of Control from MCI Communications Corp. and FMR Development Corp., Transferors, to MCI Communications Corp., Transferee.

9462-C1-AL-(4)-72—Sekan Microwave, Inc. KTG29-Garnett, Kans.; KTG30-Iola, Kans.; KTG31-Chanute, Kans. and WGI69-Parsons, Kans. Consent to Assignment of Licenses from Sekan Microwave, Inc., Assignor, to Southeast Kansas Microwave, Inc., Assignee.

9463-C1-TC-(42)-72—Western Tele-Communications, Inc. (and Subsidiaries) KOC37, KOC40, KOC42, KOC45, KPJ34, KPJ35, KPJ36, KPJ37, KPP83, KPQ37, KPQ42, KPQ43, KPQ44, KSQ40, WJL81, KSV37, KVU91, KXQ79, KXR27, KXR28, KXR29, KZA81, KZS84, KZS85, KZS86, KZS87, WDE21, WDE24, KPR99, KPS68, KPT21, KPT22, KPV60, KPY90, KSQ28, KSQ29, KSQ30, KSQ31, KSQ32, KSQ33, KSQ34, KSQ35, various locations in the States of California, Montana, and Utah. Consent to Transfer of Control from Bob Magness et al. (controlling stockholders) de jure, Transferors to Bob Magness et al. (controlling stockholders) de facto, Transferees.

9464-C1-TC-(42)-72—Same as above except: Transfer of Control from Communications Investment Corp. et al. (de jure), (controlling stockholders), Transferors, to Communications Investment Corp. et al. (de facto) (controlling stockholders) Transferees.

9465-C1-TC-(20)-72—Sierra Microwave, Inc. KNJ62, KNK64, KOS34, KOV61, KOV62, KPL26, KPS54, KPS55, KPV25, KPY35, KZA34, WHA93, WHA99, WHB20, WHB21, WHB22, WHB25, WHB23, WIV40, WIV41 various locations in the States of Nevada and California. Consent to Transfer of Control from Communications Investment Corp. et al. (de jure), Transferors, to Communications Investment Corp. et al (de facto), Transferees.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

9466-C1-TC-(6)-72—Microrelay of New Mexico, Inc. KLN76, KLN77, KLR72, KLR73, KSV93, KSV94, various locations in New Mexico. Consent to Transfer of Control from Communications Investment Corp. et al. (de jure) Transferors, to Communications Investment Corp. et al. (de facto), Transferees.

9467-C1-TC-(37)-72—American Television Relay, Inc. KCG74, KCG75, KFE73, KGC90, KGC91, KGP84, KIL63, KKB98, KKB99, KKT80, KKT81, KKT82, KKT83, KKT84, KKT85, KKT86, KLT78, KLT77, KLV82, KLT79, KNK38, KNK67, KNK68, KNK69, KNK70, KNZ42, KNZ43, KOS63, KOU61, KPH82, KPH83, KPK30, KPK31, KPN92, KPP93, KPS43, KPV76, KPY73, KPY74, KPZ82, KPZ83, KQO84, KQO85, KQO86, KRR75, KRW88, KSV58, KTQ75, KVR73, KVH74, KVH75, KVH76, KZI36, WAY77, WGI54, WGI55, various location in the States of Arizona, California, New Mexico, and Texas. Transfer of Control from Communications Investment Corp. et al. (controlling stockholders) de jure, Transferors, to Communications Investment Corp. et al. (controlling stockholders) de facto, Transferees.

9468-C1-TC-(11)-72—Wyoming Microwave Corp. KPB65, KPS20, KPS25, KPS63, KTG48, KTG49, KYO89, WAN92, WAY73, WAY74, WAY75, various locations in Wyoming. Transfer of Control from Communications Investment Corp. et al. (controlling stockholders) de jure, Transferors to Communications Investment Corp. et al. (controlling stockholders) de facto, Transferees.

9469-C1-TC-(20)-72—Telecommunications, Inc. KPR28, KPR29, KPZ61, WHA86, WAH87, WAH88, WHA89, WHA90, WHA91, WHA92, WHA93, WHA94, WHA95, WHA96, WHA97, WIV64, WIV65, WIV67, WIV69, WIV70, various locations in the States of Washington and Oregon. Transfer of control from Communications Investment Corp. et al. (controlling stockholders) de jure Transferors, to Communications Investment Corp. et al. (controlling stockholders) de facto, Transferees.

9470-C1-TC-(3)-72—Telecommunications of Oregon, Inc. KPV56-Gopdnoe Hills, Wash., KPV59-Spout Springs, Oreg. and KOS36-Mount Harris, Oreg. Consent to Transfer of Control from Communications Investment Corp. et al. (controlling stockholders) de jure, Transferors to Communications Investment Corp. et al. (controlling stockholders) de facto, Transferees.

9471-C1-TC-(46)-72—Mountain Microwave Corp. KAQ88, KBI22, KBI23, KBI24, KBT67, KBT68, KCM78, KCM79, KCM80, KCM81, KCO93, KKA81, KOB37, KOB94, KPP90, KPP88, KPP89, KPP91, KPX79, KVD68, KVD95, KYO71, KZA33, KZA65, KZA62, KZA63, KZI51, KZI52, KZI38, KZI39, WAN43, WAN45, WAN98, WAN99, WAY26, WAY27, WAY44, WAY45, WAY47, WAY46, WAY72, WDE22, WDE42, WDE43, WHA80, KZA64, various locations in the States of Colorado, New Mexico, Utah, South Dakota, Kansas, Nebraska, and Wyoming. Transfer of Control from Communications Investment Corp. et al. (controlling stockholders) de jure, Transferors to Communications Investment Corp. et al. (controlling stockholders) de facto, Transferees.

9472-C1-TC-(3)-72—Microwave Communications Corp. KNM53-St. John Mountain, Calif., KNM54-Mount Vaca, Calif., and KNM66-Oroville Airport, Calif. Transfer of Control from Communications Investment Corp. et al. (controlling stockholders) de jure, Transferors to Communications Investment Corp. et al. (controlling stockholders) de facto, Transferees.

MULTIPOINT DISTRIBUTION SERVICE

9440-C1-P-72—International Television Corp. (New), 2500 Louisiana Boulevard, northeast of Albuquerque, N. Mex., latitude 35°06'28" N., longitude 106°34'05" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

9441-C1-P-72—Century Cable Communications, Inc. (New), 2500 Louisiana Boulevard, northeast of Albuquerque, N. Mex., latitude 35°06'30" N., longitude 106°34'03" W. C.P. for a new station on frequency 2155.25 (Visual) 2150.75 (Aural) toward various receiving points of the system.

9442-C1-P-72—Howard S. Klotz/William Corbus (New), 505 Marquette northwest of Alburquerque, N. Mex., latitude 35°05'14" N., longitude 106°39'09" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

9443-C1-P-72—Multi-Communications Services, Inc. (New), Luis Munoz Riveria Avenue, and Franklin D. Roosevelt Avenue, San Juan, Puerto Rico, latitude 18°25'35" N., longitude 66°03'34" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

MULTIPOINT DISTRIBUTION SERVICE—Continued

9444-C1-P-72—Mobile Communications Services Corp. doing business as A-Plus Communications of Puerto Rico (New), First Federal Savings and Loan Building, Ponce de Leon Avenue and del Parque, San Juan, Puerto Rico, latitude 18°26'51" N., longitude 66°03'59" W. C.P. for a new station on frequency 2150.25H (Visual) 2154.75 (Aural) toward various receiving points of the system.

9445-C1-P-72—Radio Americas Corp. (New), First Federal Building, corner of Ponce de Leon and Parque, San Juan, Puerto Rico, latitude 18°26'51" N., longitude 66°03'59" W. C.P. for a new station on frequency 2154.75 (Visual) 2150.25 (Aural) toward various receiving points of the system.

9446-C1-P-72—Pennsylvania Radio Telephone Corp. (New), Mount Pennsylvania, Pa., latitude 40°21'10" N., longitude 75°53'58" W. C.P. for a new station on frequency 2154.00 (Visual) 2158.00 (Aural) toward various receiving points of the system.

9447-C1-P-72—Hawkeye Micro-Transmission Co. (New), 801 South 52d Street, Omaha, Nebr., latitude 41°15'07" N., longitude 95°59'40" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

9448-C1-P-72—Multi-Communications Services, Inc. (New), Woodmen Tower, 18th Street and Douglas Street, Omaha, Nebr., latitude 41°16'03" N., longitude 95°56'22" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

9449-C1-P-72—Midwest Corp. (New), Daniel Building, North Main Street and College Boulevard, Greenville, S.C., latitude 34°51'16" N., longitude 82°23'57" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

9450-C1-P-72—Midwest Corp. (New), First National Bank Building, St. Francis and St. Joseph Streets, Mobile, Ala. Latitude 30°41'36" N., longitude 88°02'28" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

9451-C1-P-72—Same (New), 451 Florida Avenue, Louisiana Bank Building, Baton Rouge, La. Latitude 30°26'56" N., longitude 91°11'10" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

9452-C1-P-72—AAA Anserphone, Inc. (New), Deposit Guaranty Bank Building, corner of Capital and Lamar Streets, Jackson, Miss. Latitude 32°18'01" N., longitude 90°11'07" W. C.P. for a new station on frequency 2150.25 (Visual) 2154.75 (Aural) toward various receiving points of the system.

9453-C1-P-72—Radio and Electronics Service Co., Inc. doing business as Mobilefone (New), latitude 30°26'32" N., longitude 87°14'11" W. C.P. for a new station on frequency 2150.25 (Visual) 2154.75 (Aural) toward various receiving points of the system.

9454-C1-P-72—Columbus Signal Co., Inc. (New), 3.57 miles east of Columbus and 0.34 mile south of Buena Vista Road, Columbus, Ga., latitude 32°27'24" N., longitude 84°53'09" W. C.P. for a new station on frequency 2154.75 (Visual) 2150.25 (Aural) toward various receiving points of the system.

9455-C1-P-72—Howard S. Klotz/William Corbus (New), the Claridge Hotel Boardwalk and Indiana Avenue, Atlantic City, N.J., latitude 39°21'26" N., longitude 74°25'58" W. C.P. for a new station on frequency 2154.750 (Visual) 2150.250 (Aural) toward various receiving points of the system.

9456-C1-P-72—Same (New), 8 miles north-northeast of Norwalk, Conn., on Highway No. 123, South Salem, N.Y., latitude 41°12'53" N., longitude 73°31'04" W. C.P. for a new station on frequency 2154.75 (Visual) 2150.25 (Aural) toward various receiving points of the system.

9457-C1-P-72—Century Cable Communications, Inc. (New), 300 feet west of Hiawatha Drive, Carrollton Township, Mich., latitude 43°28'38" N., longitude 83°57'00" W. C.P. for a new station on frequency 2155.25 (Visual) 2150.75 (Aural) toward various receiving points of the system.

INFORMATIVE

It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

ARIZONA—Glendale

International Television Corp. (New), 9440-C1-P-72.

ARIZONA—Tucson

Century Cable Communications, Inc. (New), 9441-C1-P-72.

NEW YORK—New York

Howard S. Klotz/William Corbus (New), 9442-C1-P-72.

FLORIDA—Pensacola

Multi-Communication Services, Inc. (New), 9443-C1-P-72.

NEW YORK—Long Island City

Interstate Mobile Communications Services Corp. (New), 9444-C1-P-72.

PUERTO RICO—Mayaguez

Radio Americas Corp. (New), 9445-C1-P-72.

PENNSYLVANIA—Reading

Pennsylvania Radio Telephone Corp. (New), 9446-C1-P-72.

IOWA—Des Moines

Hawkeye Micro-Transmission Co. (New), 9447-C1-P-72.

FLORIDA—Pensacola

Multi-Communications Services, Inc. (New), 9448-C1-P-72.

WEST VIRGINIA—Charleston

Midwest Corp. (New), 9449-C1-P-72.
Same (New), 9450-C1-P-72.
Same (New), 9451-C1-P-72.

MISSISSIPPI—Jackson

AAA Anserphone, Inc. (New), 9452-C1-P-72.

FLORIDA—Pensacola

Radio and Electronic Service Co., Inc. (New), 9453-C1-P-72.

GEORGIA—Columbus

Columbus Signal Co., Inc. (New), 9454-C1-P-72.

NEW YORK—New York

Howard S. Klotz/William Corbus (New), 9455-C1-P-72.
Same (New), 9456-C1-P-72.

ARIZONA—Tucson

Century Cable Communications, Inc. (New), 9457-C1-P-72.

MAJOR AMENDMENT

2996-CI-P-70—Data Transmission Co. (New), change frequency toward Weatherford to 6404.8V MHz on azimuth 169°55'. Change frequency toward Jim Ned Lookout to 6404.8V MHz on azimuth 13°10'.

2997-CI-P-70—Data Transmission Co. (New), change frequency toward Skeen Peak to 6152.8V MHz on azimuth 193°15'. Change frequency toward Oscar to 6152.8V MHz on azimuth 343°14'.

2998-CI-P-70—Data Transmission Co. (New), change location to latitude 33°59'49" N., longitude 97°46'15" W., 1.1 miles northwest of Oscar, Okla. Change frequency toward Jim Ned Lookout to 6404.8V MHz on azimuth 163°09'. Change frequency toward Velma to 6107.2H MHz on azimuth 9°16'.

2999-CI-P-70—Data Transmission Co. (New), change location to latitude 34°26'03" N., longitude 97°41'05" W., 2 miles southwest of Velma, Okla. Change frequency toward Oscar to 5945.2H MHz on azimuth 189°19'. Change frequency toward Rush Springs to 6152.8H MHz on azimuth 331°35'.

3000-CI-P-70—Data Transmission Co. (New), change frequency toward Velma to 6404.8H MHz on azimuth 151°27'. Change frequency toward Bridge Creek to 6404.8V MHz on azimuth 17°34'.

Major Amendment—Continued

8001–CI–P–70—Data Transmission Co. (New), change location to latitude 35°14'03" N., longitude 97°46'31" W., 5 miles southeast of Tuttle, Okla. Change frequency toward Rush Springs to 6152.8V MHz on azimuth 197°39'. Change frequency toward El Reno to 6152.8H MHz on azimuth 347°20'.

3002–CI–P–70—Data Transmission Co. (New), change location to latitude 35°34'06" N., longitude 97°52'02" W., 4.5 miles northeast of El Reno, Okla. Change frequency toward Bridge Creek to 6404.8V MHz on azimuth 167°17'. Change frequency toward Guthrie to 6404.8H MHz on azimuth 57°23'. Change frequency toward Oklahoma City to 6226.9H MHz on azimuth 108°51'.

3003–CI–P–70—Data Transmission Co. (New), change frequency toward El Reno to 5974.8H MHz on azimuth 289°03'.

3004–C1–P–70—Data Transmission Co. (New). Change location to 4 miles southeast of Guthrie, Okla., latitude 35°49'48", longitude 97°21'47". Change frequency toward El Reno to 6152.8H MHz on azimuth 237°41'. Delete point of communication at Perry, Okla., and change frequency to 5945.2V MHz on azimuth 62°23' toward new point of communication at Perkins, Okla.

3005–C1–P–70—Data Transmission Co. (New). Change name to Perkins and location to 4 miles northeast of Perkins, Okla., latitude 35°59'53", longitude 96°57'58". Change frequency toward Guthrie to 6197.2V MHz on azimuth 242°37'. Change frequency toward Camp Creek to 6197.2V MHz on azimuth 36°05'.

3006–C1–P–70—Data Transmission Co. (New). Change location to 9 miles east of Glencoe, Okla., latitude 36°13'14", longitude 96°45'57". Delete point of communication at Perry, Okla., and change frequency to 5945.2V MHz on azimuth 216°12' toward new point of communication at Perkins, Okla. Change frequency toward Waresha Creek to 6152.8V MHz on azimuth 78°14'.

3007–C1–P–70—Data Transmission Co. (New). Change location to 5 miles east of Osage, Okla., latitude 36°17'32", longitude 96°20'11". Change frequency toward Camp Creek to 6404.8H MHz on azimuth 258°29'. Change frequency toward Owasso to 6404.8H MHz on azimuth 88°59'.

3008–C1–P–70—Data Transmission Co. (New). Change location to 3 miles northeast of Owasso, Okla., latitude 36°17'55", longitude 95°48'28". Change frequency toward Waresha Creek to 6152.8H MHz on azimuth 269°18'. Delete point of communication at Pryor, Okla., and change frequency to 6123.1V MHz on azimuth 9°52' toward new point of communication at Nowata, Okla.

3012–C1–P–70—Data Transmission Co. (New). Change name to Galesburg and location to 2 miles southeast of Thayer, Kans., latitude 37°28'02", longitude 95°27'12". Delete point of communications at Redings Mill, Mo., and change frequency to 6152.8H MHz on azimuth 222°36' toward new point of communications at Cherryvale, Kans. Change frequency toward Savonburg to 6123.1H MHz on azimuth 46°43'.

3013–C1–P–70—Data Transmission Co. (New). Delete point of communication at Arma, Kans., and change frequency to 6375.2H MHz on azimuth 226°56' toward new point of communications at Galesburg, Kans. Change frequency toward Kincaid to 6345.5H MHz on azimuth 354°09'.

3027–C1–P–70—Data Transmission Co. (New). Change station name to House Springs and location to 3.6 miles southeast of House Springs, Mo., latitude 38°23'19" N., longitude 90°30'29" W. Delete point of communication at Hermann, Mo., and change frequency to 5945.2V MHz on azimuth 258°49' toward new point of communication at Anaconda, Mo. Change frequency toward St. Louis to 11055.0H MHz on azimuth 45°58'.

3028–C1–P–70—Same (New). Delete point of communication at Fox Creek, Mo., and change frequency to 11265.0H MHz on azimuth 226°09' toward new point of communication at House Springs, Mo.

3018–C1–P–70—Data Transmission Co. (New). Change station name to Lees Summit and location to 2 miles northwest of Lees Summit, Mo., latitude 38°55'54" N., longitude 94°24'53" W. Delete point of communication at Leavenworth, Mo., and change frequency to 6286.2H MHz on azimuth 273°47' toward new point of communication at Olathe, Kans. Change frequency toward Odessa to 6404.8V MHz on azimuth 71°27'. Change frequency toward Kansas City to 11385.0V MHz on azimuth 322°52'.

3019–C1–P–70—Same (New). Delete point of communication at Nashua, Mo., and change frequency to 10775.0V MHz on azimuth 142°45' toward new point of communication at Lees Summit, Mo.

Major Amendment—Continued

3020–C1–P–70—Same (New). Change station location to 3 miles northwest of Odessa, Mo., latitude 39°02'55" N., longitude 93°57'52" W. Delete point of communication at Nashua, Mo., and change frequency to 6152.8V MHz on azimuth 251°44' toward new point of communication at Lees Summit, Mo. Change frequency toward Warrensburg to 6152.8H MHz on azimuth 141°15'.

3021–C1–P–70—Same (New). Change station location to 6 miles southeast of Warrensburg, Mo., latitude 38°43'25" N., longitude 93°37'55" W. Change frequency toward Odessa to 6404.8H MHz on azimuth 321°27'. Change frequency toward Sedalia to 6404.8V MHz on azimuth 67°30'.

3022–C1–P–70—Same (New). Change station location to 10 miles north of Sedalia, Mo., latitude 38°51'25" N., longitude 93°13'05" W. Change frequency toward Warrensburg to 6152.8V MHz on azimuth 247°45'. Change frequency toward Tipton to 6093.5H MHz on azimuth 112°45'.

3023–C1–P–70—Same (New). Change station location to 3.6 miles north of Tipton, Mo., latitude 38°42'30" N., longitude 92°46'06" W. Change frequency toward Sedalia to 6345.5H MHz on azimuth 293°02'. Change frequency toward Ashland to 6315.9H MHz on azimuth 78°58'.

3024–C1–P–70—Same (New). Change station location to 1.7 miles northwest of Ashland, Mo., latitude 38°46'50" N., longitude 92°17'20" W. Change frequency toward Tipton to 6063.8H MHz on azimuth 259°16'. Change frequency toward St. Aubert to 6152.8H MHz on azimuth 114°26'.

3025–C1–P–70—Same (New). Change frequency toward Ashland to 6404.8H MHz on azimuth 294°43'. Delete point of communication at Hermann, Mo., and change frequency to 6404.8V MHz on azimuth 125°23' toward new point of communication at Rosebud, Mo.

3026–C1–P–70—Same (New). Change station name to Rosebud and location to 4 miles northwest of Rosebud, Mo., latitude 38°24'42" N., longitude 91°28'18" W. Change frequency toward St. Aubert to 6152.8V MHz on azimuth 305°38'. Delete point of communication at Fox Creek, Mo., and change frequency to 6152.8V MHz on azimuth 107°10' toward new point of communication at Anaconda, Mo.

3014–C1–P–70—Data Transmission Co. (New). Change frequency toward Savonburg to 6093.5H MHz on azimuth 174°07'. Change frequency toward Paola to 6152.8H MHz on azimuth 13°32'.

3015–C1–P–70—Data Transmission Co. (New). Change frequency toward Kincaid to 6404.8H MHz on azimuth 193°37'. Change frequency toward Olathe to 6197.2V MHz on azimuth 27°40'.

3016–C1–P–70—Data Transmission Co. (New). Change location to 5 miles northeast of Olathe, Kans., latitude 38°56'57", longitude 94°45'48". Change frequency toward Paola to 5945.2V MHz on azimuth 207°49'.

Add frequency 6034.2H MHz on azimuth 93°34' toward new point of communications at Lees Summit.

INFORMATIVE: Applicant, MCI Texas-East Microwave, Inc., is amending 33 of its previously filed applications for authority to construct new specialized common carrier systems in a two-State area from Dallas, Tex., to New Orleans and Shreveport, La. The applications now being amended were originally filed on April 10, 1970, and June 26, 1970. They appeared on Public Notice, April 20, 1970, and July 6, 1970. Each application now amended is referenced to the date originally filed. In addition, 24 new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding Frequency Coordination Report No. 562, Common Carrier Services Information released September 20, 1971.

6066–C1–P–70 and 8902–C1–P–71—MCI Texas-East Microwave, Inc. (New), *Site 1*, Dallas, Tex. Change proposed station location to 2001 Bryan Street, Dallas, Tex., at latitude 32°47'07", longitude 96°47'47". Correct frequencies and azimuths to 10,775.0H, 11,175.0H MHz on azimuth 295°03' toward Irving, Tex., and 10,715.0V, 11,115.0V MHz on azimuth 73°38' toward Forney, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 213°06' and 10,875.0, 11,115.0 MHz on azimuth 78°29'.

Major Amendment—Continued

6067-C1-P-70—Same as above (New), *Site 4*, Burleson, Tex. Change proposed station location to 1.5 miles south of Burleson, Tex., at latitude 32°30'56", longitude 97°19'32". Correct frequencies and azimuths to 6034.2V MHz on azimuth 43°42' toward Arlington, Tex., 5945.2V MHz on azimuth 358°55' toward Fort Worth, Tex., and 5945.2V MHz on azimuth 166°40' toward Covington, Tex. Delete Dallas, Tex., and Italy, Tex., as points of communication. Delete frequencies 6256.5, 6375.2 MHz on azimuth 33°01', 6226.9, 6345.2 on azimuth 208°39' and 6226.9, 6345.5 MHz on azimuth 183°00'.

6068-C1-P-70—Same as above (New), *Site 5*, Fort Worth, Tex. C.P. for a new station at Seventh and Throckmorton Streets, Fort Worth Tex., at latitude 32°45'08", longitude 97°19'51". Correct frequencies and azimuths to 6197.2V MHz on azimuth 178°55' toward Burleson, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 5974.8, 6093.5 MHz on azimuth 118°27'.

6069-C1-P-70—Same as above (New), *Site 7*, Milford, Tex. Change proposed station location to 3.6 miles southwest of Milford, Tex., at latitude 32°05'42", longitude 97°00'21". Correct frequencies and azimuth to 5974.8H MHz on azimuth 305°41' toward Covington, Tex., and 5945.2H MHz on azimuth 162°57' toward Mount Calm, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 03°00' and 5974.8, 6093.5 MHz on azimuth 169°21'.

6070-C1-P-70—Same as above (New), *Site 8*, Mount Calm, Tex. C.P. for a new station located at 1.5 miles north-northwest of Mount Calm, Tex., at latitude 31°44'14", longitude 96°52'39". Correct frequencies and azimuths to 6197.2V MHz on azimuth 343°01' toward Milford, Tex., 11,685.0V, 11,285.0V MHz on azimuth 230°23' toward Waco, Tex., and 6226.9V MHz on azimuth 160°04' toward Kosse, Tex. Delete Italy, Tex., as a point of communication. Delete frequencies 6197.2, 6315.9 MHz on azimuth 349°24', 6226.9, 6345.5 MHz on azimuth 162°27' and 11,445, 11,685 MHz on azimuth 230°23'.

6080-C1-P-70—MCI Texas-East Microwave, Inc. (New), *Site 9*, Kosse, Tex. Change proposed station location to 5.5 miles northwest of Kosse, Tex., at latitude 31°21'09", longitude 96°42'54". Correct frequencies and azimuths to 5974.8V MHz on azimuth 340°09' toward Mount Calm, Tex., and 5974.8H MHz on azimuth 150°46' toward Franklin, Tex. Delete frequencies 6034.2, 6152.8 MHz on azimuth 342°32' and 5945.2, 6063.8 MHz on azimuth 146°59'.

6081-C1-P-70—Same as above (New), *Site 10*, Franklin, Tex. Change proposed station location to 3 miles south of Franklin, Tex., at latitude 30°59'34", longitude 96°28'53". Correct frequencies and azimuth to 6226.9H MHz on azimuth 330°53' toward Kosse, Tex., and 6197.2H MHz on azimuth 147°52' toward Bryan, Tex. Delete College Station, Tex., as a point of communication. Delete frequencies 6197.2, 6315.9 MHz on azimuth 327°06' and 6226.9, 6345.5 MHz on azimuth 148°59'.

6082-C1-P-70—Same as above (New), *Site 11*, Bryan, Tex. Change proposed station location to 6.8 miles east of Bryan, Tex., at latitude 30°40'13", longitude 96°14'50". Correct frequencies and azimuths to 5945.2H MHz on azimuth 327°59' toward Franklin, Tex., and 5945.2V MHz on azimuth 136°22' toward Plantersville, Tex. Delete frequencies 6034.2, 6152.8 MHz on azimuth 302°06' and 5974.8, 6093.5 MHz on azimuth 132°56'.

6083-C1-P-70—Same as above (New), *Site 12*, Plantersville, Tex. Change proposed station location to 5.9 miles northwest of Plantersville, Tex., at latitude 30°23'25", longitude 95°56'23". Correct frequencies and azimuths to 6197.2V MHz on azimuth 316°32' toward Bryan, Tex., and 6226.9V MHz on azimuth 128°02' toward Mostyn, Tex. Delete College Station, Tex., and Pinehurst, Tex., as points of communication. Delete frequencies 6286.2, 6404.8 MHz on azimuth 313°05' and 6256.5, 6375.2 MHz on azimuth 122°27'.

6084-C1-P-70—Same as above (New), *Site 13*, Mostyn, Tex. Change proposed station location to 1.2 miles south-southeast of Mostyn, Tex., at latitude 30°12'46", longitude 95°40'44". Correct frequencies and azimuths to 5945.2V MHz on azimuth 308°10' toward Plantersville, Tex., 5945.2H MHz on azimuth 64°30' toward Beach, Tex., and 5945.2V MHz on azimuth 137°43' toward Westfield, Tex. Delete Houston, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 302°36' and 5945.2, 6063.8 MHz on azimuth 153°42'.

6087-C1-P-70—MCI Texas-East Microwave, Inc. (New), *Site 15*, Kinwood, Tex. Change proposed station location to 3 miles east-southeast of Kinwood, Tex., at latitude 29°54'00", longitude 95°15'05". Correct frequencies and azimuths to 5974.8V MHz on azimuth 299°08' toward Westfield, Tex., 5974.8H MHz on azimuth 128°14' toward Baytown, Tex. Delete frequencies 6197.2 and 6375.2 MHz on azimuth 248°26' and 6226.9 and 6404.8 MHz on azimuth 77°27'. Delete Fannett, Tex., as a point of communication.

Major Amendment—Continued

6086-C1-P-70—Same as above (New), *Site 17*, Baytown, Tex. C.P. for a new station at the corner of Havor and Market Streets, Baytown, Tex., at latitude 29°43'50", longitude 95°00'19". Correct frequencies and azimuths to 6226.9H MHz on azimuth 308°21' toward Kinwood, Tex. Delete Houston, Tex., and Hankamer, Tex., as points of communication. Delete frequencies 5974.8 and 6152.8 MHz on azimuth 275°09' and 5945.2 and 6123.1 MHz on azimuth 68°15'.

6088-C1-P-70—Same as above (New), *Site 22*, Silsbee, Tex. Change proposed station location to 9.1 miles south-southwest of Silsbee, Tex., at latitude 30°13'12", longitude 94°14'36". Correct frequencies and azimuths to 6286.2H MHz on azimuth 299°03' toward Thicket, Tex., and 6197.2H MHz on azimuth 137°28' toward Beaumont, Tex. Delete Hankamer, Tex., as a point of communication. Delete frequencies 5974.8 and 6152.8 MHz on azimuth 257°38' and 5945.2 and 6123.1 MHz on azimuth 43°01'.

6089-C1-P-70—Same as above (New), *Site 23*, Beaumont, Tex. C.P. for a new station at the San Jacinto Building, Beaumont, Tex., at latitude 30°04'56", longitude 94°05'53". Correct frequencies and azimuths to 5945.2H MHz on azimuth 317°32' toward Silsbee, Tex. Delete Fannett, Tex., and Deweyville, Tex., as points of communication. Delete frequencies 6197.2 and 6375.2 MHz on azimuth 233°06' and 6226.9 and 6404.8 MHz on azimuth 56°46'.

6096-C1-P-70—Same as above (New), *Site 34*, Baton Rouge, La. Change proposed station location to 5700 Florida Boulevard, Baton Rouge, LA, at latitude 30°27'02", longitude 91°07'57". Correct frequencies and azimuths to 11,665.0H and 11,265.0H MHz on azimuth 337°15' toward Scotlandville, La., and 6197.2V MHz on azimuth 87°16' toward Denham Springs, La. Delete Maringouin, La., and Frost, La., as points of communication. Delete frequencies 6945.2 and 6063.8 MHz on azimuth 271°07' and 5974.8 and 6093.5 MHz on azimuth 100°18.

8908-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 56, Gill, Tex. C.P. for a new station 4.9 miles east of Gill, Tex., at latitude 32°22'56", longitude 94°17'10". Correct frequencies and azimuths to 6197.2H MHz on azimuth 272°56' toward Kilgore, Tex., and 6197.2V MHz on azimuth 60°20' toward Blanchard, La. Delete Shreveport, La., as a point of communication. Delete frequencies 6197.2 and 6315.9 MHz on azimuth 73°41' and 6286.2 and 6404.8 MHz on azimuth 272°56'.

8909-C1-P-70—Same as above (New), Site 58, Shreveport, La. C.P. for a new station at 400 Travis Street, Shreveport, La., at latitude 32°30'51", longitude 93°44'58". Correct frequencies and azimuths to 11,665.0V MHz and 11,265.0V MHz on azimuth 309°07' toward Blanchard, La. Delete Gill, Tex., as a point of communication. Delete frequencies 6034.2 and 6152.8 MHz on azimuth 253°58'.

8903-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 51, Forney, Tex. C.P. for a new station at 6 miles north of Forney, Tex., at latitude 32°50'29", longitude 96°27'47". Correct frequencies and azimuths to 11,645.0V and 11,245.0V MHz on azimuth 258°49' toward Dallas, Tex., and 6256.5H MHz on azimuth 124°51' toward Cedarvale, Tex. Delete frequencies 11,325 MHz on azimuth 258°49' and 6375.2 MHz on azimuth 124°51'.

8904-C1-P-70—Same as above (New), Site 52, Cedarvale, Tex. C.P. for a new station at 5.4 miles east of Cedarvale, Tex., at latitude 32°34'04", longitude 96°00'02". Correct frequencies and azimuths to 6004.5V MHz on azimuth 305°00' toward Forney, Tex., and 6034.2V MHz on azimuth 96°22' toward Lindale, Tex. Delete frequencies 6123.1 MHz on azimuth 305°00' and 6152.8 MHz on azimuth 96°22'.

8905-C1-P-70—Same as above (New), Site 53, Lindale, Tex. C.P. for a new station at 3.5 miles west of Lindale, Tex., at latitude 32°31'02", longitude 95°28'36". Correct frequencies and azimuths to 6286.2V MHz on azimuth 276°38' toward Cedarvale, Tex., 6197.2H on azimuth 104°16' toward Kilgore, Tex., and 6315.9V MHz on azimuth 138°07' toward Tyler, Tex. Delete frequencies 6404.8 MHz on azimuth 276°38', 6375.2 on azimuth 138°07' and 6226.9, 6345.5 MHz on azimuth 104°16'.

8906-C1-P-70—Same as above (New), Site 54, Tyler, Tex. C.P. for a new station at intersection of College and Erwin Streets, Tyler, Tex., at latitude 32°21'09", longitude 95°18'10". Correct frequencies and azimuths to 6004.5H MHz on azimuth 318°13' toward Lindale, Tex. Delete frequencies 6123.1 MHz on azimuth 318°13'.

8907-C1-P-70—Same as above (New), Site 55, Kilgore, Tex. C.P. for a new station at 6.1 miles west of Kilgore, Tex., at latitude 32°24'39", longitude 94°59'16". Correct frequencies and azimuths to 5945.2V MHz on azimuth 284°32' toward Lindale, Tex., and 5945.2V MHz on azimuth 92°34' toward Gill, Tex. Delete frequencies 5974.8 and 6093.5 MHz on azimuth 284°32' and 6063.8 MHz on azimuth 92°34'.

Major Amendment—Continued

6074–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 45, Liberty Hill, Tex. C.P. for a new station at 6.8 miles west-southwest of Liberty Hill, Tex., at latitude 30°37'00", longitude 98°01'28". Correct frequencies and azimuths to 5945.2V MHz on azimuth 06°18' toward Kempner, Tex. and 6034.2H MHz on azimuth 146°10' toward Austin West, Tex. Delete frequencies 6063.8 MHz on azimuth 06°18' and 6152.8 MHz on azimuth 146°10'.

6075–C1–P–70—Same as above (New), Site 46, Austin West, Tex. C.P. for a new station at 2.5 miles west-northwest of Austin, Tex., at latitude 30°19'31", longitude 97°47'58". Correct frequencies and azimuths to 6226.9H MHz on azimuth 326°17' toward Liberty Hill, Tex., 10775.0V and 11175.0V on azimuth 138°54' toward Austin, Tex., and 6226.9V MHz on azimuth 238°35' toward Spring Branch, Tex. Delete frequencies 6256.5 and 6375.2 MHz on azimuth 326°17', 10755 and 10995 on azimuth 138°54' and 6345.5 MHz on azimuth 238°35'.

6076–C1–P–70—Same as above (New), Site 47, Austin, Tex. C.P. for a new station at Capital National Bank, 114 West Seventh Street, Austin, TX at latitude 30°16'09", longitude 97°44'35". Correct frequencies and azimuths to 11665.0V and 11345.0V MHz on azimuth 318°55' toward Austin West, Tex. Delete frequencies 11685.0 and 11445.0 MHz on azimuth 318°55'.

6077–C1–P–70—Same as above (New), Site 48, Spring Branch, Tex. C.P. for a new station at 6.4 miles northwest of Spring Branch, Tex., at latitude 29°58'55", longitude 98°26'32". Correct frequencies and azimuths to 5974.8V MHz on azimuth 58°16' toward Austin West, Tex., and 6004.5V MHz on azimuth 151°07' toward Marion, Tex. Delete frequencies 6093.5 MHz on azimuth 58°16' and 6123.1 MHz on azimuth 151°07'.

6078–C1–P–70—Same as above (New), Site 49, Marion, Tex. C.P. for a new station at 4.4 miles northwest of Marion, Tex., at latitude 29°36'34", longitude 98°12'26". Correct frequencies and azimuths to 6256.5V MHz on azimuth 331°14' toward Spring Branch, Tex., and 6197.2H MHz on azimuth 234°06' toward San Antonio, Tex. Delete frequencies 6375.2 MHz on azimuth 331°14' and 6315.9 MHz on azimuth 234°06'.

6079–C1–P–70—Same as above (New), Site 50, San Antonio, Tex. C.P. for a new station at National Bank of Commerce, 430 Soledad Street, San Antonio, Tex., at latitude 29°25'40", longitude 98°29'36". Correct frequencies and azimuths to 5945.2H MHz on azimuth 53°57' toward Marion, Tex. Delete frequencies 6063.8 MHz on azimuth 53°57'.

6098–C1–P–70—MCI Texas-East Microwave, Inc. (New), *Site 40,* Marrero, La. Change proposed station location to 2.5 miles south of Marrero, La., at latitude 29°51'38", longitude 90°06'07". Correct frequencies and azimuths to 6241.7H MHz on azimuth 291°29' toward Luling, La., and 6212.0H MHz on azimuth 14°47' toward New Orleans, La. Delete Frost, La., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 350°41' and 5974.8, 6093.5 MHz on azimuth 80°11'.

6099–C1–P–70—same as above (New), *Site 41,* New Orleans, La. Change proposed station location to 1010 Howard at Loyola, New Orleans, La., at latitude 29°56'45", longitude 90°04'34". Correct frequencies and azimuths to 5989.7H MHz on azimuth 194°48' toward Marrero, La. Delete Kraemer, La., as a point of communication. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 260°27'.

6071–C1–P–70—same as above (New), *Site 42,* Waco, Tex. C.P. for a new station at the Amicable Life Insurance Building, 425 Austin Avenue, Waco, Tex., at latitude 31°33'23", longitude 97°07'56". Correct frequencies and azimuths to 10755.0V and 11155.0V MHz on azimuth 50°15' toward Mount Calm, Tex., and 6286.2H MHz on azimuth 244°39' toward Oglesby, Tex. Delete frequencies 10995.0 MHz on azimuth 50°15' and 6404.8 MHz on azimuth 244°39'.

6072–C1–P–72—same as above (New), *Site 43,* Oglesby, Tex. C.P. for a new station at 1.2 miles south-southwest of Oglesby, Tex., at latitude 31°24'09", longitude 97°30'34". Correct frequencies and azimuths to 5974.8H MHz on azimuth 64°27' toward Waco, Tex., and 5974.8V MHz on azimuth 230°49' toward Kempner, Tex. Delete frequencies 6093.5 MHz on azimuth 64°27' and 6152.8 MHz on azimuth 230°49'.

6073–C1–P–70—same as above (New), *Site 44,* Kempner, Tex. C.P. for a new station at 2 miles east-northeast of Kempner, Tex., at latitude 31°04'56", longitude 97°57'53". Correct frequencies and azimuths to 6226.9V MHz on azimuth 50°34' toward Oglesby, Tex., and 6197.2V MHz on azimuth 186°20' toward Liberty Hill, Tex. Delete frequencies 6345.5 MHz on azimuth 50°34' and 6315.9 MHz on azimuth 186°20'.

INFORMATIVE: Applicant, MCI Mid-Atlantic Communications, Inc., is amending 13 of its applications to modify its new specialized common carrier system between Washington, D.C., and Atlanta, Ga., and to extend this system to Norfolk, Va.

Major Amendment—Continued

6652–C1–P–70—MCI Mid-Atlantic Communications, Inc., (New), Washington, D.C. Change proposed station location to 1150 7th Street NW., Washington, D.C., at latitude 38°54'19", longitude 77°02'21". Change frequencies and azimuths to 10775.0V MHz and 11175.0V MHz on azimuth 275°50' toward Tysons Corner, Va. Delete frequencies 10775.0V MHz and 11175.0V MHz on azimuth 276°56' toward Tysons Corner, Va.

6654–C1–P–70—Same as above, (New), Tysons Corner, Va. Change frequencies and azimuths to 11665.0V MHz and 11265.0V MHz on azimuth 95°43' toward Washington, D.C. Add frequency 11225.0H MHz on azimuth 234°01' toward Centreville, Va. Delete frequencies 11665.0V MHz and 11265.0V MHz on azimuth 96°49' toward Washington, D.C. All other particulars are as reported in Public Notice No. 587 dated March 13, 1972.

5880–C1–P–72—Same as above, (New), Centreville, Va. Add frequency 11135.0H MHz on azimuth 53°55' toward Tysons Corner, Va. All other particulars are as reported in Public Notice No. 587 dated March 13, 1972.

6658–C1–P–70—Same as above, (New), Midlothian, Va. Add frequency 6197.2V MHz on azimuth 114°23' toward Chimney Corners, Va. All other particulars are as reported in Public Notice No. 587 dated March 13, 1972.

6659–C1–P–70—Same as above, (New), Richmond, Va. Change proposed station location to Third and Broad Streets, Richmond, VA., at latitude 37°32'38", longitude 77°26'24". Change frequency and azimuth to 10735.0H MHz on azimuth 175°46' toward Chimney Corners, Va. Delete frequencies 10875.0 MHz and 11115.0 MHz on azimuth 262°05' and frequencies 6226.9 MHz and 6345.0 MHz on azimuth 146°28'.

6660–C1–P–70—Same as above, (New), Disputanta, Va. Change proposed station location to 2.5 miles northeast of Disputanta, Va., at latitude 37°08'45", longitude 77°11'21". Change frequencies and azimuths to 6197.2H MHz on azimuth 323°19' toward Chimney Corners, Va., and 6226.2H MHz on azimuth 143°17' toward Ivor, Va. Delete frequencies 5945.2 MHz and 6063.8 MHz on azimuth 326°38' and 5974.8 MHz and 6093.5 MHz on azimuth 151°54'.

6661–C1–P–70—MCI Mid-Atlantic Communications, Inc. (New), Ivor, Va. Change proposed station location to 3.5 miles west-southwest of Ivor, Va., at latitude 36°53'46", longitude 76°57'27". Change frequencies and azimuths to 5945.2V MHz on azimuth 323°25' toward Disputanta, Va., and 5974.8V MHz on azimuth 114°16' toward Kings Fork, Va. Delete frequencies 6256.5 MHz and 6375.2 MHz on azimuth 332°02' and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 126°59'.

6662–C1–P–70—Same as above (New), Kings Fork, Va. Change proposed station location to 1.2 miles west of Kings Fork, Va., at latitude 36°46'58", longitude 76°38'46". Change frequencies to 6256.5H MHz on azimuth 294°27' toward Ivor, Va., and 6226.9V MHz on azimuth 93°50' toward Bowers Hill, Va. Delete frequencies 5945.2 MHz and 6063.8 MHz on azimuth 307°10' and 10,955.0 MHz and 6123.1 MHz on azimuth 64°25'.

6663–C1–P–70—Same as above (New), Norfolk, Va. Station located at Seaboard Citizen Bank Building, Norfolk, Va., at latitude 36°50'47", longitude 76°17'22". Change frequencies and azimuths to 10,735.0H MHz and 11,135.0H MHz on azimuth 227°20' toward Bowers Hill, Va. Delete frequencies 11,405.0 MHz and 6375.2 MHz on azimuth 244°38'.

6667–C1–P–70—Same as above (New), Stokesdale, N.C. Add frequency 3730.0V MHz on azimuth 231°38' toward Winston-Salem, N.C. All other particulars are as reported in Public Notice No. 587 dated March 13, 1972.

6669–C1–P–70—Same as above (New), Winston-Salem, N.C. Station located at 310 West Fourth Street, Winston-Salem, N.C. at latitude 36°05'52", longitude 80°14'51". Change frequencies and azimuths to 3770.0V on azimuth 51°29' toward Stokesdale, N.C. Delete frequencies 10,955 MHz and 10,715 MHz on azimuth 86°22'.

6668–C1–P–70—Same as above (New), Kernersville, N.C. Add frequency 11,665.0H MHz and 11,265.0H MHz on azimuth 88°34' toward Greensboro, N.C. All other particulars are as reported in Public Notice No. 587 dated March 13, 1972.

6670–C1–P–70—Same as above (New), Greensboro, N.C. Station located at Wacovia Building, 201 North Elm Street, Greeneboro, NC, at latitude 36°04'22", longitude 79°47'28". Change frequencies to 10,735.0H MHz and 11,135.0H MHz on azimuth 268°41' toward Kernersville, N.C. Delete frequencies 11,115.0 MHz and 10,875.0 MHz on azimuth 279°59' and 5945.2 MHz and 6063.8 MHz on azimuth 113°44'.

6406–C1–P–70—Southern Pacific Communications Co. (New), Station location: 2.2 miles east of Chaffee, Mo. Change frequency toward Dexter to 6123.1V MHz.

6407–C1–P–70—Same (New), Station location: 2.5 miles northwest of Dexter, Mo. Change polarization of frequency 6256.5 MHz toward Piggott to horizontal.

6403–C1–P–70—Same (New), Station location: 2.8 miles northwest of Piggott, Ark. Change frequency toward Dexter to 5974.8H MHz.

Major Amendment—Continued

6410–C1–P–70—Same (New), Station location: 4 miles southwest of Jonesboro, Ark. Change polarization of frequency 5974.8 MHz toward Tyronza to vertical. Delete frequencies 5945.2, 6123.1 MHz and Jonesboro as a point of communication.

6412–C1–P–70—Same (New), Station location: 3 miles south-southeast of Tyrona, Ark. Change polarization of frequency 6226.9 MHz toward Jonesboro to vertical. Change frequency toward Memphis to 6345.5V MHz.

6415–C1–P–70—Same (New), Station location: 2.4 miles north of Hilleman, Ark. Change frequency toward Fisher to 6063.5V MHz.

6417–C1–P–70—Same (New), Station location: 2 miles south of Stuttgart, Ark. Change polarization of frequency 6004.5 MHz toward Pine Bluff to vertical.

6418–C1–P–70—Same (New), Station location: Pine Bluff, Ark. Change polarization of frequency 6256.5 MHz toward Stuttgart to vertical.

6422–C1–P–70—Same (New), Station location: 1 mile southwest of Waldo, Ark. Change frequency toward Lewisville to 6375.2H MHz.

6423–C1–P–70—Same (New), Station location: 0.5 mile north of Bright Star, Ark. Delete frequency 5945.2 MHz toward Texarkana.

6424–C1–P–70—Same (New), Station location: Texarkana, Tex. Delete frequency 6197.2 MHz toward Bright Star.

6425–C1–P–70—Same (New), Station location: 6.7 miles north of Benton, La. Change frequency toward Shreveport to 6063.8V MHz.

6426–C1–P–70—Same (New), Station location: St. Louis-Southwestern Railway Yard, Shreveport, La. Change frequency toward Benton to 6315.9V MHz.

6428–C1–P–70—Same (New), Station location: East 11th Street and Lawn Avenue, Mount Pleasant, Tex. Change polarization of frequency 6063.8 MHz toward Latch to horizontal.

6433–C1–P–70—Same (New), Station location: St. Louis-Southwestern Railroad Co. Radio Building, 0.6 mile northwest of Nevada, Tex. Change polarization of frequency 6226.9 MHz toward Dallas to vertical.

6435–C1–P–70—Same (New), Station location: 3.2 miles south-southwest of Midlothian, Tex. Replace frequencies 6345.5, 6404.8 MHz toward Fort Worth with frequency 5974.8V MHz.

6436–C1–P–70—Same (New), Station location: St. Louis-Southwestern Realroad Hodge Yard, Fort Worth, Tex. Replace frequencies 5974.8 and 6093.5 MHz toward Midlothian with frequency 6404.8V MHz.

6445–C1–P–70—Same (New), Station location: Southern Pacific Building, Satsuma, Tex. Replace frequencies 6034.2 and 6093.5 MHz toward Houston with frequency 5945.2H MHz. Delete frequency 6063.8 MHz and Rosenburg, Tex., as a point of communication.

6446–C1–P–70—Same (New), Station location: 913 Franklin Avenue, Houston, TX. Replace frequencies 6286.2 and 6345.5 MHz toward Satsuma with frequency 6197.2V MHz.

7777–C1–P–71—Same (New), Station location: Lewisville, Ark. Change frequency toward Waldo, to 6152.8H MHz.

All other particulars same as reported on public notices dated April 27, 1970; April 15, 1971 and August 2, 1971.

5807–C1–P–70—United Video, Inc. (New), Change station location to 520 East 5th Street, Tulsa, Okla., latitude 36°09'06" N., longitude 95°59'26" W. Change frequency and azimuth toward Sand Springs to 6197.2V MHz on 291°52' respectively.

5808–C1–P–70—Same (New), Change station location to Sand Springs, 2.5 miles north of Tulsa, Okla. Latitude 36°11'16" N., longitude 96°06'06" W. Change frequency and azimuth toward Tulsa to 5945.2H MHz and 111°48', respectively, and to 6152.8H MHz and 196°26', respectively, toward Shamrock.

5809–C1–P–70—Same (New), Change station location to 3.2 miles north-northeast of Shamrock, Okla., latitude 35°57'02" N., longitude 96°11'16" W. Change frequency and azimuth toward Sand Springs to 6345.5V MHz and 16°24', respectively, and to 6375.2H MHz and 257°42', respectively, toward Carney.

5810–C1–P–70—Same (New), Station location: Carney, 4 miles south of Vinco, Okla. Change frequency and azimuth toward Shamrock to 6093.5V MHz and 77°12', respectively, and to 5945.2V MHz and 204°34' toward a new point of communication at Carney, respectively. Delete Oklahoma City as a point of communication.

5812–C1–P–70—Same (New), Change station location to 2.7 miles southeast of Woods, Okla., latitude 35°25'00" N., longitude 97°14'27" W. Add frequency 6197.2V MHz on azimuth 24°27' toward a new point of communication at Carney. Delete frequency 6286.2 MHz and Oklahoma City as a point of communication. Change azimuth toward Byars to 168°4'.

5813–C1–P–70—Same (New), Station location: 3 miles west of Byars, Okla. Add frequency 6004.5H MHz on azimuth 348°9' toward a new point of communication at Woods. Delete frequency 6063.8 MHz and Norman as a point of communication. Change frequency on azimuth 151°17' to 6034.2H MHz toward Scullin.

5814–C1–P–70—Same (New), Change station location to 1 mile north of Scullin, Okla., latitude 34°31'06" N., longitude 96°51'48" W. Change frequency on azimuth 331°25' to 6315.9H MHz toward Byars.

5815–C1–P–70—Same (New), Station location: 0.4 mile west of Ardmore, Okla. Change azimuth toward Scullin to 34°38'.

5817–C1–P–70—Same (New), Station location: 1.2 miles southwest of Mountain Springs, Tex. Change azimuth toward Lewisville to 157°54'.

5818–C1–P–70—Same (New), Change station location to 3 miles east of Lewisville, Tex., latitude 33°02'28" N., longitude 97°05'25" W. Change frequency and azimuth toward Mountain Springs to 6345.5V MHz and 338°1', respectively. Change azimuth toward Dallas to 156°22'.

5819–C1–P–70—Same (New), Station location: Jim Miller Road and Tillman Street, Dallas, Tex. Change frequency and azimuth toward Lewisville to 5945.2H MHz and 336°26'.

All other particulars same as reported on Public Notices dated April 13, 1970, and July 12, 1971.

[FR Doc.72-10986 Filed 7-18-72;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FINANCIAL CORPORATION OF SANTA BARBARA

Notice of Receipt of Application for Approval of Acquisition of Control of Orange Savings and Loan Association

JULY 13, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from the Financial Corp. of Santa Barbara, Santa Barbara, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Orange Savings and Loan Association, Orange, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the exchange of stock of Financial Corp. of Santa Barbara for guarantee capital stock of Orange Savings and Loan Association.

Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL]

GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-11031 Filed 7-18-72;8:50 am]

FEDERAL POWER COMMISSION

[Project No. 271]

ARKANSAS POWER AND LIGHT CO.

Notice of Application for Change in Land Rights

JULY 11, 1972.

Public notice is hereby given that application for a change in landrights has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Arkansas Power and Light Co. (correspondence to Mr. W. M. Murphey, vice president, Arkansas Power and Light Co., Ninth and Louisiana Street, Little Rock Ark. 72203) for project No. 271, on the Ouachita River, in Hot Springs and Garland Counties, Ark., near the towns and cities of Malvern and Hot Springs. The land to be conveyed is in Garland County.

The applicant proposes to grant an easement for the construction of a 6-inch sewage effluent diffusion line to LA–DU Enterprises, Inc., builders of a 54-unit townhouse development adjacent to Lake Hamilton Reservoir in Garland County, Ark.

The sewage effluent line will be constructed along the bottom of the Lake Hamilton Reservoir extending approximately 300 feet into the reservoir.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1972, file with the Federal Power Commission in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-11031 Filed 7-18-72;8:46 am]

[Docket No. RP72-150]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 11, 1972.

Take notice that El Paso Natural Gas Co., on June 30, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on August 1, 1972. The proposed rate changes would increase charges for jurisdictional sales on El Paso's Southern Division System, exclusive of purchased gas costs, by $5,895,052 annually, based on volumes for the 12-month period ended February 29, 1972, as adjusted. The proposed increase would be applicable to El Paso's Rate Schedules A-1, A-2, A-3, B-1, B-2, B-3, D-1, D-2, D-3, G, GX, A-1-X and X-1. In addition, there would be increases in rates under Rate Schedules X-7 and X-14 of Third Revised Volume No. 2 of El Paso's Tariff, which are keyed to the rate in effect from time to time under Rate Schedules B-1 and X-1, respectively, and under Rate Schedules FS-25, FS-29, FS-30, FS-34, FS-35, and FS-45 of Original Volumes No. 2-A, which are keyed to the rate in effect from time to time under Rate Schedule X-1.

El Paso states that the principal reasons for the proposed rate increases are increases in virtually all items of cost, such as labor, capital, materials and supplies, and taxes. The increased rates provide for an overall rate of return of 9 percent.

El Paso included in its filing Alternative Revised Tariff Sheets, with an August 1, 1972, effective date, which it proposes be accepted by the Commission if the Purchase Gas Adjustment Clause, filed concurrently with this general rate increase, is not permitted to become effective in the manner proposed. The Alternative Revised Tariff Sheets reflect an increase of $6,300,749 over and above the $5,895,052 increase and represents increases in El Paso's cost of purchased gas for its Southern Division System which it says will become effective on or before November 30, 1972, the end of the test period utilized in its filing.

Copies of the filing were served on El Paso's Southern Division System customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11032 Filed 7-18-72;8:46 am]

[Docket No. RP72-151]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 11, 1972.

Take notice that El Paso Natural Gas Co., on June 30, 1972, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 3, to become effective on August 1, 1972. The proposed rate changes would increase charges for jurisdictional sales on El Paso's Northwest Division System, exclusive of increased purchase gas costs, by $3,772,010 annually, based on volumes for the 12-month period ended February 29, 1972, as adjusted. The proposed increase would be applicable to all of El Paso's rate schedules on the Northwest Division System. El Paso also proposes a revision in Rate Schedule PL-1 necessary to institute a minimum annual bill therein.

El Paso states that the principal reasons for the proposed rate increases are increases in virtually all items of cost, such as capital, labor, material and supplies and taxes. The increased rates provide for an overall rate of return of 9 percent.

El Paso included in its filing Alternative Revised Tariff Sheets, with an effective date of August 1, 1972, reflecting an increase of $8,662,642 annually over and above the $3,772,010 increase, which represents increased purchased gas costs which El Paso says will become effective on or before November 30, 1972, the end of the test period utilized in its filing. El Paso proposes that the rates contained in the Alternative Revised Tariff Sheets be accepted in lieu of those described above, if its Purchased Gas Adjustment Clause, filed concurrently with this general rate increase, is not permitted to become effective in the manner proposed and if its concurrently filed motion for modification of its tracking authority in Docket No. RP71-137 is denied.

Copies of the filing were served on El Paso's Northwest Division System customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11033 Filed 7-18-72;8:46 am]

[Docket No. RP72-148]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JULY 11, 1972.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg), on June 26, 1972, tendered for filing proposed changes in its FPC gas tariff, original volume No. 1, to become effective on August 1, 1972. The proposed rate changes would increase charges for jurisdictional sales by approximately $1,841 annually, based on volumes for the 12-month period ended June 30, 1969. The proposed changes would be applicable to Lawrenceburg's two jurisdictional rate schedules, CDS-1 and EX-1.

Copies of the filing were served on Lawrenceburg's customers and interested State Commissions.

Lawrenceburg states that the reason for the proposed increase is occasioned solely by, and will compensate Lawrenceburg only for, an increase in its cost of purchased gas resulting from the filing of proposed increased rates by its sole supplier, Texas Gas Transmission Corp. (Texas Gas) on June 14, 1972, in Docket No. RP72-45. In case of suspension of the proposed increase Lawrenceburg requests that the increased rates be suspended to no later than the date on which Texas Gas' increased rates become effective.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July

18, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. This application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11034 Filed 7-18-72;8:46 am]

[Docket No. E-7723]

POTOMAC EDISON CO.

Order Accepting for Filing and Suspending Proposed Tariff Changes, Providing for Hearing, Establishing Procedures, and Denying Request for Waiver

JULY 11, 1972.

On March 29, 1972, The Potomac Edison Co. (Potomac Edison) tendered for filing proposed amendments to its rate schedules WS-LV, WS-DV, and WS-HV in its FPC electric tariff volume No. 2. On the next day, Potomac Edison tendered for filing proposed amendments applicable to the city of Hagerstown, Md., which receives service under Potomac Edison's rate schedule FPC No. 30 at a rate identical to WS-HV. The proposed tariff changes would increase Potomac Edison's wholesale rates by approximately $239,000 based on the 12 months ended December 31, 1970, as adjusted, exclusive of revenues from the operation of a fuel adjustment clause included as a proposed amendment. Potomac Edison proposed that the increased rates become effective May 1, 1972, and requested that the Commission waive any requirements not already complied with to permit the rates to become effective on that date.

Notice was issued on April 18, 1972, requiring petitions to intervene and protests to be filed by April 26, 1972. None have been received.

By letter dated April 28, 1972, the Commission waived the requirement of its regulations under the Federal Power Act that the applicant's case-in-chief be filed simultaneously with the proposed tariff changes and denied waiver of the requirement for supporting cost-of-service statements. Upon completion of the March 29 and March 30, 1972, filings by the submission of these statements on May 12, 1972, Potomac Edison requested waiver of the 30-day notice requirement and of the 60-day prior submission requirement of the regulations in order to permit the proposed tariff changes to become effective June 1, 1972.

Potomac Edison alleges that increased rates are necessitated by increases in the cost of senior capital, materials and supplies, and labor and by the restrictive effect of its fixed-charge coverage on construction programs. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Potomac Edison's request for waiver will be denied, therefore, and the proposed tariff changes will be suspended for 5 months from July 11, 1972. In view of this suspension action, it will be necessary for Potomac Edison to update its test-year data so that the record resulting from a hearing in this proceeding will not be stale. Potomac Edison will be required, therefore, to utilize the most recent, practicable test period.

With the exception of the Potomac Edison Co. of Pennsylvania, the wholesale rates of Potomac Edison's subsidiaries in the past have been identical to the parents' rates. If this relationship is to be continued, it would be expeditious for rate changes by the subsidiaries to be included in this proceeding because the cost of service herein is developed for the entire Potomac Edison system. This order puts Potomac Edison on notice of the desirability of disposing of all such tariff changes in a single proceeding.

The Commission further finds:

It is necessary and appropriate in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, services, and other provisions contained in Potomac Edison's proposed FPC electric tariff, and that such tariff be suspended and its use deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, services, and other provisions contained in Potomac Edison's proposed FPC electric tariff, commencing with a prehearing conference to be held on December 12, 1972.

(B) Potomac Edison's request for waiver of the 30-day notice requirement and the 60-day prior submission requirement of the Commission's regulations under the Federal Power Act is denied.

(C) Pending such hearing and decision thereon, Potomac Edison's proposed changes in its FPC electric tariff, original volume No. 2, are accepted for filing and are suspended and their use deferred until December 11, 1972.

(D) At the prehearing conference the direct evidence of Potomac Edison and the Commission staff shall be copied into the transcript, subject to appropriate motions regarding its admission as evidence, and procedures adopted for an orderly and expeditious hearing.

(E) On or before September 1, 1972, Potomac Edison shall file updated cost-of-service statements and related prepared testimony and exhibits constituting the company's case-in-chief in this proceeding. The prepared testimony and exhibits of the Commission staff shall be served on or before December 1, 1972. Rebuttal evidence, if any, of Potomac Edison shall be served on or before January 1, 1973. Cross-examination of the evidence shall commence at 10 a.m. on January 16, 1973, in a hearing room of the Federal Power Commission.

(F) The Chief Examiner or any other designated by him for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11035 Filed 7-18-72;8:46 am]

[Docket No. CI73-20]

SANTA FE OIL CO.

Notice of Application

JULY 14, 1972.

Take notice that on July 6, 1972, Santa Fe Oil Co. (Applicant), 2020 National Bank of Commerce Building, San Antonio, Tex. 78205, filed in Docket No. CI73-20 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) at an existing point of interconnection on Texas Eastern's Taft line in San Patricio County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to Texas Eastern on June 30, 1972, within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell 2,000 Mcf of gas per day plus additional gas which may be available at 35.0 cents per Mcf at 14.65 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11089 Filed 7-18-72;8:51 am]

[Docket No. RP72-45]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Change in Tariff

JULY 11, 1972.

Take notice that Texas Gas Transmission Corp. (Texas Gas) on June 27, 1972, tendered for filing proposed changes in its FPC gas tariff, third revised volume No. 1. The proposed changes would incorporate a purchased gas adjustment clause pursuant to §154.38(d)(4) of the Commission's regulations under the Natural Gas Act, to become effective August 1, 1972.

Copies of this filing were served on all of Texas Gas' jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street, NW., Washington, DC 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11036 Filed 7-18-72;8:46 am]

FEDERAL RESERVE SYSTEM

CBT CORP.

Acquisition of Bank

CBT Corp., Hartford, Conn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of the successor by merger to the Fairfield County National Bank, Norwalk, Conn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 4, 1972.

Board of Governors of the Federal Reserve System, July 12, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-11037 Filed 7-18-72;8:46 am]

NATIONAL SCIENCE FOUNDATION

VERY LARGE ARRAY (VLA)

Summary Statement of Proposed Federal Action Affecting the Environment

This summary statement is published pursuant to section 102 of the National Enviornmental Policy Act (Public Law 91-190) and the guidelines of the Council on Environmental Quality (36 F.R., 7724-7729, April 23, 1971). The proposed Federal activity is described as follows:

The VLA is a major new instrument which will make important advances in radio astronomy possible. The National Radio Astronomy Observatory (NRAO) has undertaken development, design, and site studies for the VLA which will consist of 27 dish-shaped radio antennas, each 82 feet in diameter, distributed along three 13-mile-long arms consisting of railroad tracks. These three arms are arranged in the form of a wye. The VLA will exceed by one to two orders of magnitude the sensitivity and angular resolution of any existing or proposed array. The antenna system will be able to construct detailed two-dimensional maps of radio sources over most of the observable sky, including regions where most other arrays can resolve sources in only one direction. In addition, VLA will have the ability to detect and measure the properties of the very faint radio sources. These sources are faint, either because of their low intrinsic brightness or their locations at remote distances. Radio astronomers also will be able to measure the properties of radio sources superimposed upon complex backgrounds such as the Milky Way. The VLA is expected to make major contributions to our understanding of the laws of gravity, physical processes in interstellar gases, the origin and evolution of stars, the universe and life itself.

A potential site has been identified in New Mexico. The site is located 50 miles west of Socorro, N. Mex., in Socorro and Catron Counties, in the eastern end of a broad valley known as the Plains of St. Augustin. It is estimated that VLA construction and operations will affect approximately 3,400 acres of rangeland. Approximately 1,230 acres are presently owned by private individuals and another 1,230 acres are owned by the State of New Mexico. The remainder is held for the Federal Government under the jurisdiction of the Bureau of Land Management.

The impact of the VLA upon the environment will be minimal. The presence of the VLA will not disturb the grazing habits of livestock in the area. There is no electromagnetic radiation associated with VLA operations since the VLA does not emit radio waves like radar antennas but merely receives radiation from astronomical objects in space. Because VLA operations require a low population density and the absence of local sources of electromagnetic interference, further industrial development of the Plains of St. Augustin would be curtailed. Mining and manufacturing activities or development that would produce magnetic radiation could not be permitted in the valley because they would preclude successful radio astronomy observations.

Copies of the draft environmental impact statement are available from the Assistant Director for National and International Programs, National Science Foundation, Washington, D.C. 20550. Comments from appropriate State and local agencies, addressed as above, should be submitted within 60 days following the publication of this summary statement.

Dated: July 5, 1972.

R. L. BISPLINGHOFF,
Acting Director.

[FR Doc.72-11045 Filed 7-18-72;8:47 am]

PRICE COMMISSION

[Order 8]

PERSONS ENGAGED IN THE SALE OF CERTAIN LUMBER AND WOOD PRODUCTS

Pursuant to the amendments to § 101.51 of Part 101 of the regulations of the Cost of Living Council, effective July 17, 1972, the small business exemption of the Council was made inapplicable to any firm which in its most recent fiscal year derived more than $100,000 of its sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members, and associated wood products such as hard-board and particle board.

The effect of this amendment is to make the price stabilization regulations of the Price Commission in Part 300 of Title 6 of the Code of Federal Regulations applicable to all sales of those products, except as noted above. Thus, the price control provisions will continue to apply to manufacturers, brokers, wholesalers, and retailers who were not exempted under the small business exemption and will automatically and immediately apply, as provided therein, to manufacturers, brokers, wholesalers, and retailers who were covered by the

exemption, and to certain new persons who entered the business of selling those products during the period the exemption was in effect, and who meet the gross sales test of § 101.51(b)(2)(vii) of Part 101 of the regulations of the Cost of Living Council.

Under current regulations applicable to retailers and wholesalers (§ 300.13) such a person may charge a price in excess of the base price whenever its customary initial percentage markup is equal to or less than its customary initial percentage markup before November 14, 1971, or at its option, its customary initial percentage markup during its last fiscal year ending before August 15, 1971, subject in both cases to a profit margin limitation. Also, the posting and base price information requirements of § 300.13 will be applicable.

Under current regulations applicable to manufacturers (§ 300.13) such a person may charge a price in excess of the base price only to reflect increases in allowable costs that it incurred since the last price increase (but not price increases during the period May 2–July 17, 1972, if the person was exempt during that period) or that it incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and subject to a profit margin limitation. Price Commission Order No. 7 (37 F.R. 12525), effective June 23, 1972, should be consulted regarding allowable costs of manufacturers of lumber and wood products.

Under current regulations applicable to persons engaged in the sale of those products, which persons are neither manufacturers nor wholesalers or retailers (that is, service organizations, such brokers, covered by § 300.14) the rule is the same as that applicable to manufacturers.

In order to provide a reasonable time for persons who were exempt and whose exemption has been removed to make the necessary computations and to take such other action as may be necessary to comply with those applicable requirements, the Price Commission has determined that such compliance may reasonably be achieved by Monday, July 31, 1972. Therefore compliance with those requirements, except as provided below, by that date will be considered to be timely compliance.

The most recent date for which published price lists for the industry (Crow's Weekly Letter or Random Lengths) are generally available is July 14, 1972. Although some persons may have sold at prices slightly above or below the prices contained in the lists published for that date, the general availability of the lists for that date, and the need for some uniform base line for determining the prices that were actually in effect, makes it appropriate to use the prices in that list as the prices in effect.

It is therefore ordered, That, during the period beginning on July 20, 1972, and ending at the close of July 30, 1972, no wholesaler or broker may sell a product covered by the first paragraph of this order at a price exceeding the price for that product stated in the July 14, 1972, list published by Crow's Weekly Letter or Random Lengths, whichever is higher, in the case of prices stated as wholesale prices. However, in the case of prices stated in those publications as mill prices, a wholesaler or broker may add its customary initial percentage markup, not to exceed 5 percent.

It is further ordered, That no retailer may, during that period, sell such a product at a price exceeding its acquisition cost plus its customary initial percentage markup.

After that period, all prices shall be governed by the applicable provisions of Part 300.

An additional facet of the renewed applicability of Price Commission regulations to the formerly exempted activities concerns the application of the profit margin limitations. The Commission is considering this matter and will issue an appropriate amendment to the regulations or a further order with respect thereto within a short time.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640, as amended)

Issued in Washington, D.C., on July 17, 1972, by direction of the Commission.

W. DAVID SLAWSON,
General Counsel,
Price Commission.

[FR Doc.72-11219 Filed 7-17-72;5:54 pm]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

JULY 13, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 15, 1972 through July 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11070 Filed 7-18-72;8:49 am]

[File No. 500-1]

COGAR CORP.

Order Suspending Trading

JULY 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.60 par value, of Cogar Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 16, 1972 through July 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11071 Filed 7-18-72;8:49 am]

[70-5220]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Application for Exception From Competitive Bidding

JULY 13, 1972.

In the Matter of the Connecticut Light and Power Co., Post Office Box 2010, Hartford, CT 06101; The Hartford Electric Light Co., Post Office Box 2370, Hartford, CT 06101; Northeast Utilities Service Co., Post Office Box 270, Hartford, CT 06101.

Notice is hereby given that the Connecticut Light and Power Co. (CL&P) and The Hartford Electric Light Co. (HELCO), electric and gas utility subsidiary companies of Northeast Utilities (Northeast), a registered holding company, and Northeast Utilities Service Co. (NUSCO), a service company subsidiary of Northeast, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 11, 12(d), and 12(f) of the Act and Rule 50(a)(5), promulgated thereunder, as applicable to the following proposal. All interested persons are referred to the application, which is summarized below, for a complete statement thereof.

CL&P and HELCO own and operate electric utility properties within the State of Connecticut. In addition, each company directly owns and operates gas distribution properties within the same State; and The Connecticut Gas Company (Conn. Gas), a small wholly owned

subsidiary company of CL&P, operates certain pipelines and purchases natural gas from wholesale suppliers for resale to CL&P. CL&P and HELCO are committed to the disposition of their entire gas properties, and in connection with such ultimate disposition the present application requests an exception from the competitive bidding requirements of Rule 50 under the Act with respect to the sale of the securities of Conn. Gas. As of December 31, 1970, the gas properties of CL&P and HELCO had an aggregate book value (net of depreciation) of approximately $92 million and the aggregate gas revenues of the two companies in the year ended on that date amounted to approximately $36 million.

The application states that NUSCO, acting as agent for CL&P and HELCO, has by letters, advertising and meetings invited a showing of interest from prospective purchasers of the gas properties; and that, as a result, there are now seven persons and organizations with whom the applicants propose to enter into competitive negotiations for sale of the properties, including the securities of Conn. Gas. It is further stated that basic information has been and will continue to be made equally available to each of the interested parties and to any new parties that may evidence a serious interest in acquiring the properties. No sale of any of the gas properties or securities will be consummated until a declaration under section 12(d) of the Act has been filed with the Commission and a further order has been entered by the Commission permitting the declaration to become effective.

Fees, commissions and expenses paid or to be incurred, directly or indirectly, in connection with this application are estimated at approximately $4,000, including legal fees of $2,000. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposal contained herein.

Notice is further given that any interested person may, not later than July 27, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11072 Filed 7-18-72;8:49 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 13, 1972.

It appearing to the Securities Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6-percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 14, 1972, through July 23, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11073 Filed 7-18-72;8:49 am]

[812-3149]

EATON & HOWARD BALANCED FUND

Notice of Filing of Application for Order Exempting Sale by Open-End Company of its Shares at Other Than the Public Offering Price

JULY 13, 1972.

Notice is hereby given that Eaton & Howard Balanced Fund, 24 Federal Street, Boston, MA 02110 ("Applicant"), a common law trust existing under the laws of Massachusetts registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of Simon Waters Co. ("Simon Waters"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Simon Waters, a common law trust existing under the laws of Massachusetts, is an investment company, all of the outstanding stock of which is owned by one shareholder. It is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Simon Waters substantially all of the cash and securities owned by Simon Waters with a value of approximately $225,000 as of December 31, 1971, will be transferred to Applicant in exchange for shares of its capital stock. The number of shares of Applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Simon Waters to be transferred to Applicant by the net asset value per share of Applicant both to be determined as of a valuation time, as defined in the agreement. If the valuation under the agreement had taken place on December 31, 1971, Simon Waters would have received 21,644 shares of Applicant's stock. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Simon Waters, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to the Simon Waters stockholder on the liquidation of Simon Waters. Applicant has been advised by the management of Simon Waters that the stockholder of Simon Walters has no present intention of redeeming any of Applicant's shares following the proposed transaction.

There is no affiliation between Applicant and Simon Waters, Simon Waters is not an affiliated person of any affiliated person of Applicant, and the agreement was negotiated at arm's length by the two companies. Applicant states that the board of trustees approved the agreement as being beneficial to its shareholders, because among other things, Applicant will be able to acquire at one time substantial additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section

22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 4, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11074 Filed 7-18-72;8:49 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

JULY 11, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1972, through July 21, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11054 Filed 7-18-72;8:47 am]

[70-5152]

GENERAL PUBLIC UTILITIES CORP.

Notice of Post-Effective Amendment to Declaration Regarding Cash Capital Contributions to Subsidiary Companies

JULY 12, 1972.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, has filed a post-effective amendment to a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated March 30, 1972 (Holding Company Act Release No. 17520), this Commission permitted GPU to make cash capital contributions, from time to time up to December 31, 1972, to certain of its subsidiary companies. The proposed capital contributions were to be and will be utilized by the subsidiary companies for the purpose of financing their business as public-utility companies, including the construction of additional facilities and the increase of working capital. Such cash capital contributions will be credited by the recipients to their respective capital surplus accounts.

GPU now proposes to make capital contributions of $19 million, and contributions of $125,000, respectively, to Pennsylvania Electric Co., and Waterford Electric Light Co., electric utility subsidiary companies of GPU. The transactions heretofore authorized and described in the above-mentioned Commission order remain unchanged.

The filing states that no State or Federal commission, other than this Commission has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses as related to the post-effective amendment will be approximately $4,000.

Notice is further given that any interested person may, not later than August 1, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11055 Filed 7-18-72;8:48 am]

[File No. 500-1]

INTER-ISLAND MORTGAGEE CORP.

Order Suspending Trading

JULY 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Inter-Island Mortgagee Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 14, 1972 through July 23, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11075 Filed 7-18-72;8:49 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

JULY 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast

Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 15, 1972 through July 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11076, Filed 7-18-72;8:49 am]

[812-3194]

J. P. MORGAN OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company

Notice is hereby given that J. P. Morgan Overseas Capital Corp., 23 Wall Street, New York, NY 10015 (Applicant), a Delaware business corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant was incorporated on May 26, 1972, in the State of Delaware. Applicant has issued all its authorized capital stock, consisting of 2,000 shares of common stock (without par value), to Morgan Guaranty International Finance Corp. (MGIFC) in exchange for $1 million in cash and certain securities owned by MGIFC having a book value of over $23 million.

MGIFC is organized under the laws of the United States pursuant to section 25(a) of the Federal Reserve Act (the Edge Act). MGIFC is a wholly owned subsidiary of Morgan Guaranty Trust Co. of New York, a New York trust company (Bank) which in turn is a wholly owned subsidiary of J. P. Morgan & Co. Inc., a Delaware business corporation (J. P. Morgan). J. P. Morgan, Bank and MGIFC are not investment companies as defined in the Act. J. P. Morgan is primarily engaged, through majority owned subsidiaries, in the business of banking and is therefore exempt from the Act pursuant to section 3(c) (6) thereof. Bank is a trust company doing business under the laws of the State of New York which receives deposits, exercises fiduciary powers and is examined by New York banking authorities, and is therefore exempt from the Act pursuant to sections 2(a) (5) (C) and 3(c) (3) thereof. MGIFC is a banking institution organized under the laws of the United States and is therefore exempt from the Act pursuant to sections 2(a) (5) (A) and 3(c) (3) thereof.

Applicant represents that J. P. Morgan is subject to the Bank Holding Company Act of 1956 and has registered with the Board of Governors of the Federal Reserve System (the Board) as required by such Bank Holding Company Act. Applicant further represents that Bank is a member of the Federal Deposit Insurance Corporation and the Federal Reserve System and its business is subject to Federal and New York State laws and to examination and regulation by both Federal and New York banking authorities. Applicant further represents that Bank's Edge Act subsidiaries, such as MGIFC, are under the supervision of, and are examined by, the Board. The Board regulates the activities and investments of Edge Act corporations through the provisions of its Regulation K. Under the terms of the Board's consent to the investment of MGIFC in Applicant, Applicant is obligated to conduct its business substantially as if it were an Edge Act corporation. Under the Edge Act and the regulations of the Board thereunder, Edge Act corporations are authorized to engage in international banking and financial activities, including the making of equity investments in corporations engaged in business outside the United States. Investments of more than $500,000 or in more than 25 percent of the voting stock of a corporation require the prior consent of the Board. The Board's present policy is to grant consents for acquisitions of controlling interests in companies only if such companies are financial organizations. Any investment must be fully reported to the Board within 30 days after the close of the quarter in which such investment is made. An Edge Act corporation may be required to divest itself of any investment which the Board believes to be "inappropriate." Accordingly, under the scheme of regulation, MGIFC may be required to divest itself of its investment in Applicant if at any time the Board believes that Applicant has made an "inappropriate" investment or if MGIFC fails to obtain the consent of the Board prior to the time that Applicant makes an investment which does not fall within the general consent provisions of Regulation K. In no event may Applicant invest in any corporation, foreign or domestic, which is engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States or is otherwise engaged in any business in the United States except such as in the judgment of the Board may be incidental to Applicant's international or foreign business.

The Board is responsible for the national balance of payments policy so far as it affects domestic banks and their affiliates, including Edge Act corporations and their domestic subsidiaries. The Board's Voluntary Foreign Credit Restraint Program (the Program) implements the policy of limiting the amount of total "claims on foreigners" (which include loans to, and investments in, foreign branches, corporations, entities, and individuals) which a domestic bank and its affiliates may carry on the books of their domestic offices. A foreign branch or foreign subsidiary of a domestic bank or Edge Act corporation is considered a foreigner within the context of the Program. Extensions of foreign credit by a foreign branch or foreign subsidiary of a domestic bank or Edge Act corporation are not subject to the Program, except as a result of the restraints on domestic banks and Edge Act corporations with respect to credit to, or investments in, such branches or subsidiaries. Under the revised guidelines for the Program, a domestically chartered subsidiary (such as Applicant) of an Edge Act corporation (such as MGIFC) may offset against the aggregate of its "claims on foreigners" and "other foreign assets" the face amount of its outstanding borrowings from foreigners if they have an original maturity of 3 years or more. Applicant contends it was formed specifically to take advantage of this offsetting benefit which is not directly available to J. P. Morgan, Bank, or MGIFC.

Applicant states that it does not fall within the narrow definition of a "bank" set forth in section 2(a) (5) (C) of the Act which requires that a "bank" receive deposits or exercise fiduciary powers similar to those permitted to national banks. Applicant contends, however, that it clearly fits within the general intent of the exemption from the definition of investment company set forth in section 3(c) (3) of the Act. Applicant states that it will serve as an essential vehicle in broadening the international activities and affiliations of Bank and that its activities will be limited to making investments in, and loans to, companies which MGIFC might have loaned to, or invested in, absent the Program and the Board's offset policy. Applicant represents that its funds will be invested in or loaned to companies doing business outside the United States which are subsidiaries of, or affiliates at least 10 percent owned by, Applicant or MGIFC and, subject to receipt of the exemption sought by the Application, may also be invested in or loaned to others. Pending commitment, its funds may be deposited in banks (including Bank) or used for short-term investments. Applicant represents that it is governed by bank regulations similar to those applied to banks exempt from the Act, and that MGIFC may be required to divest itself of its investment in Applicant if the Board believes that Applicant has not restricted its activities to those permissible to MGIFC. In addition, Applicant states that the Board must approve all investments by Applicant of more than $500,000 or in more than 25 percent of the voting stock of a corporation, and Applicant is required to make reports on its investments to the Board within 30 days after the close of the quarter in which any such investment is made. Accordingly, Applicant requests an exemption from all provisions of the Act pursuant to section 6(c) thereof, subject to the following conditions:

(1) At the time of their issuance, the securities issued by Applicant (except to J. P. Morgan or to a subsidiary of J. P. Morgan which is not an investment company) would, if purchased by nationals

or residents of the United States, its territories or possessions, be subject to the Interest Equalization Tax or another tax providing a comparable deterrent to the purchase of Applicant's securities by U.S. nationals or residents in the event that the United States Interest Equalization Tax expires, is repealed or the rate thereof is reduced to zero, and such fact will be prominently indicated on such securities;

(2) Applicant will not issue, without an order of the Commission, any securities (except to J. P. Morgan or to a subsidiary of J. P. Morgan which is not an investment company) in the event the United States Interest Equalization Tax expires, is repealed or the rate thereof is reduced to zero and such tax is not replaced by another comparable tax;

(3) Applicant will forthwith register with the Commission pursuant to section 8 of the Act in the event that Applicant ceases to be regulated by a banking regulatory agency listed herein and in the application; and

(4) Applicant will register with the Commission pursuant to section 8 of the Act in the event that all securities of Applicant, with the exception of debt securities, cease to be held by J. P. Morgan or by a subsidiary of J. P. Morgan which is not an investment company.

Section 6(c) of the Act, as here pertinent, authorizes the Commission, by order upon application, conditionally or unconditionally to exempt any person or any class or classes of persons from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11077 Filed 7-18-72;8:49 am]

[File No. 24B-1395]

PINNACLE SKI-WAYS, INC.

Order Temporarily Suspending Exemption; Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 12, 1972.

I. Pinnacle Ski-Ways, Inc., (Pinnacle) is a Vermont corporation, incorporated under the laws of that State on May 29, 1964. Its principal offices are located at 58 South Pleasant Street, Randolph, VT.

Pinnacle filed with the Commission on January 20, 1965, a notification on Form 1-A and an offering circular relating to a proposed offering of 1,750 shares of $100 par value common stock at $100 per share. The offering was not underwritten and was made by officers of the company. The purpose of the offering was to develop and operate a ski area in the town of Randolph, Vt. The offering was commenced on March 25, 1965 and has not yet been completed.

As of the date of the last report on Form 2-A, due March 15, 1970, and filed June 24, 1970, Pinnacle had sold 990 shares and realized gross proceeds of $99,000.

II. A. The Commission has reasonable cause to believe from information reported to it by the staff that the terms and conditions of regulation A have not been complied with in that:

1. Pinnacle has failed to file any report on Form 2-A subsequent to the report due March 15, 1970, as required by Rule 260 of the rules and regulations under the Securities Act of 1933; and

2. Pinnacle has failed to revise its offering circular dated April 15, 1968, as required by Rule 256(e) of the rules and regulations Under the Securities Act of 1933.

B. The officers of Pinnacle offered and sold Pinnacle stock on the basis of an offering circular containing untrue statements of material facts and omissions to state facts necessary to make statements made in the light of the circumstances in which they were made not misleading. Concerning among other things:

1. That the corporate charter of Pinnacle was revoked by the State of Vermont for failure to file its annual report;

2. That a new corporation has been formed which exchanged its stock with Pinnacle stockholders.

C. The practices recounted in paragraphs A and B above constituted violations of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261 of the General rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11078 Filed 7-18-72;8:49 am]

[811-1735]

PROVIDENT COMMON STOCK FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 11, 1972.

Notice is hereby given that Provident Common Stock Fund (Applicant), Suite 2024, Three Penn Center Plaza, Philadelphia, PA 19102, a Delaware corporation registered as an open-end diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant registered under the Act by filing a notification of registration on Form N-8A on December 26, 1968. Applicant states, however, that the board of directors and shareholders of Applicant

have determined not to presently operate an investment company of the nature of Applicant, and the shareholders have initiated proceedings to dissolve Applicant.

Applicant asserts that 11,111.112 shares of its common stock are currently outstanding, 5,555.556 of which are owned by Provident Management Corp., a Delaware corporation. The remaining 5,555.556 shares are owned by Pennsylvania Funds Corp., a Delaware corporation. All outstanding securities of Provident Management Corp., which does not presently propose to make a public offering of its securities, are owned beneficially by two individuals. All outstanding securities of Pennsylvania Funds Corp., which does not presently propose to make a public offering of its securities, are owned by one of the individual owners of Provident Management Corp.

Applicant further asserts that it is not making and does not presently propose to make a public offering of its securities and that the shareholders of Applicant are in the process of filing a Certificate of Dissolution with the State of Delaware.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 4, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11056 Filed 7-18-72;8:48 am]

[File No. 500-1]

TANGER INDUSTRIES

Order Suspending Trading

JULY 13, 1972.

The common stock, $1 par value, of Tanger Industries being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Tanger Industries being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 17, 1972 through July 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11079 Filed 7-18-72;8:49 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. Temporary Instructions constitute Appendix 2 of that Manual. The material contained in Temporary Instruction 660-4 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore Temporary Instruction 660-4 is set forth in full as follows:

[Temporary Instruction 660-4]

Processing of 1-O and 1-W Registrants in 1971 FPSG and 1971 EPSG Who Were Not Issued SSS Form 153 Before November 10, 1971

JULY 12, 1972.

Reference: Part 1660 and § 1631.6 of Selective Service Regulations and section 631.6 RPM.

1. All registrants in Class 1-O and Class 1-W who are members of the 1971 FPSG and the 1971 EPSG shall be relieved of their liability to perform alternate service if they were not issued SSS Form 153 (Order to Report for Alternate Service) before November 10, 1971. (November 9, 1971 was the last date on which 1-A or 1-A-O registrants were issued SSS Form 252 (Order to Report for Induction.)

2. The following actions shall be taken immediately on all Class 1-O registrants of the 1971 FPSG and 1971 EPSG:

(a) All SSS Forms 153 issued after November 9, 1971, shall be cancelled.

(b) Each registrant whose SSS Form 153 has been cancelled pursuant to paragraph (a) shall be assigned to the Second Priority Selection Group in accordance with Section 1631.6 of Selective Service Regulations and classified in Class 1-H.

(c) Any registrant who has not been issued an SSS Form 153 shall be assigned to the Second Priority Selection Group in accordance with Section 1631.6 of Selective Service Regulations and classified in Class 1-H.

3. The following actions shall be taken immediately on all Class 1-W registrants of the 1971 FPSG and 1971 EPSG who were issued an SSS Form 153 after November 9, 1971:

(a) Each registrant now on alternate service assignment shall be informed in writing that he is no longer required to perform alternate service work.

(b) Each registrant who has left his alternate service assignment shall be informed in writing that he is not required to perform alternate service.

(c) Each registrant described in paragraphs (a) or (b) who chooses not to return to or continue in his alternate service assignment, shall be assigned to the Second Priority Selection Group in accordance with § 1631.6 of Selective Service Regulations and classified in Class 1-H.

(d) Each registrant described in paragraph (a) or (b) who chooses to continue in or return to his alternate service assignment shall state in writing that he voluntarily desires to continue in his alternate service assignment notwithstanding the issuance of the SSS Form 153 to him. This statement will be retained in the registrant's file folder.

4. Any registrant who performs alternate service pursuant to an SSS Form 153 issued after November 9, 1971, will receive credit for such service.

5. Temporary Instruction No. 660-1 issued February 14, 1972, is rescinded.

6. The actions described in paragraphs 2 and 3 will be accomplished before October 1, 1972.

BYRON V. PEPITONE,
Acting Director.

JULY 13, 1972.

[FR Doc.72-11025 Filed 7-18-72;8:50 am]

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. Temporary instructions constitute Appendix 2 of that manual. The material contained in temporary instruction 632-9 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, temporary instruction 632-9 is set forth in full as follows:

[Temporary Instruction 632-9]

SEPTEMBER 1972 INDUCTION CALL

Fully available registrants in Classes 1-A and 1-A-O in the 1972 first priority selection group with RSN 75 or below shall be

ordered to report for induction in September. Orders are to be issued beginning August 1, 1972, and not later than August 30, 1972.

State directors will schedule deliveries so that approximately 40 percent of the deliveries are made during the period September 5 through 8, 35 percent during the period September 11 through 15, 20 percent during the period September 18 through 22, and 5 percent during the period September 25 through 29. (Reference Parts 1631 and 1632, SSR; Chapters 631 and 632, RPM.)

This temporary instruction will terminate on September 30, 1972.

BYRON V. PEPITONE,
Acting Director.

[FR Doc.72-11084 Filed 7-18-72;8:53 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 917; Class B]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the county of Sacramento, Calif., has suffered damage or destruction, resulting from flooding occurring on June 21, 1972.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, CA 94102.

2. A disaster office will be established in Rio Vista, Calif., at an address to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1972.

Dated: June 29, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-11046 Filed 7-18-72;8:50 am]

[Declaration of Disaster Loan Area 918; Class B]

NEW JERSEY

Declaration of Disaster Loan Area

Whereas it has been reported that during the month of June 1972, because of the effects of certain disasters, damage resulted to homes and business property located in the State of New Jersey;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the counties of Bergen, Passaic, Morris, Essex, and Somerset, N.J., suffered damage or destruction resulting from torrential rains and flooding as a result of Hurricane Agnes, occurring on June 16, 1972.

OFFICE

Small Business Administration District Office, 970 Broad Street, Room 1635, Newark, NJ 07102.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1972.

Dated: July 1, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-11047 Filed 7-18-72;8:50 am]

[Declaration of Disaster Loan Area 919; Class B]

NORTH CAROLINA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of North Carolina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the county of Rockingham, N.C., suffered damage or destruction resulting from extensive flooding as a result from Hurricane Agnes, on June 21 and 22, 1972.

OFFICE

Small Business Administration District Office, 222 South Church Street, Charlotte, NC 28202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1972.

Dated: July 1, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-11048 Filed 7-18-72;8:50 am]

[License No. 09/09-0160]

SAN FERNANDO VALLEY INVESTMENT CO.

Notice of Application for a License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1972)) under the name of San Fernando Valley Investment Co., Ventura Boulevard, Encino, Calif. 91316, for a license to operate in the State of California as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

H. M. Langworthy, 4898 Adele Court, Woodland Hills, CA 91364, President and Director, 5 percent.

Otto Nasser, 4954 Van Nuys Boulevard, Sherman Oaks, CA 91403, Vice President and Director, 5 percent.

John G. Simmons, 4351 Beck Avenue, Studio City, CA 91604, Director, Secretary and Treasurer.

Charles F. McConnell, 858 W. Ridge Road, Lake Arrowhead, CA 92352, General Manager.

Edmund G. Brown, 9918 Kip Drive, Beverly Hills, CA 90210, Director.

Donald D. Lorenzen, 7143 Tampa Avenue, Reseda, CA 91335, Director, 5 percent.

The company will begin operations with an initial capitalization of $500,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to:

Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, Calif.

Dated: July 11, 1972.

CLAUDE ALEXANDER,
Associate Administrator for Operations and Investment.

[FR Doc.72-11049 Filed 7-18-72;8:50 am]

VETERANS ADMINISTRATION

REPLACEMENT VA HOSPITAL, LOS ANGELES, CALIF.

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a draft document entitled "Draft Environmental Statement for a 940-Bed Replacement Veterans Administration Hospital, Los Angeles, Calif." dated May 18, 1972, has been prepared as required by the National Environmental Policy Act of 1969. This project consists of an 820-bed medical, surgical, neurological, and psychiatric hospital and a 120-bed nursing home care unit. This will replace Veterans Administration hospital facilities presently on the site which have been found, except for one building, to be unsafe for occupancy in the event of a major earthquake. The site is at the intersection of the San Diego Freeway and Wilshire Boulevard. The draft statement discusses the environmental impact of our hospital in that location. The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration and Facilities, Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

Single copies of the draft statement may be obtained on request to the above office.

Dated: July 13, 1972.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.72-11062 Filed 7-18-72;8:48 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

UNITED STATES LINES, INC.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that on May 10, 1972, the United States Lines, Inc., One Broadway, New York, NY 10004, made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) and 29 CFR 1905.10 for a temporary variance, and for an interim order pending a decision on the application for the variance, from the standard prescribed in 29 CFR 1918.85(b) (3) and (5) (36 F.R. 5437) concerning the weighing of containerized cargo.

The applicant states that the address of the facility directly affected by the application is United States Lines, Inc., Port Elizabeth Container Terminal, N.J., and that the appropriate area representative of the International Longshoremen's Association has been advised in writing of the application.

The applicant further states that due to a complete change in the United States Lines operating procedures to include the "fully wheeled" method of operating as opposed to the "straddle carrier system" at the Elizabeth Marine Terminal, it was necessary to contract for the use of an additional 45 acres of holding area. This agreement was completed in November 1971, between United States Lines and the International Terminal Operating Co. The construction and installation of four new 60-ton scales is required. Due to construction and installation factors these scales will not be ready for use before August 15, 1972. Furthermore, because of the physical traffic restrictions which prevent the applicant from using other scales, United States Lines, Inc., proposes to calculate the gross weight from the various shipping documents and container weights until the scales become operative.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210, and at the following area office: Occupational Safety and Health Administration, Federal Building, Room 635, 970 Broad Street, Newark, NJ 07102.

Interested persons, including affected employers and employees, are invited to submit written data, views, and arguments regarding the application for a variance within 15 days following the publication of this notice in the FEDERAL REGISTER. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance within 15 days after the publication of this notice in the FEDERAL REGISTER, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing shall be in quadruplicate and shall be addressed to the Office of Standards at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, and from the recommendations of a New York area office of the Occupational Safety and Health Administration that an interim order is necessary to prevent undue restrictions from being placed on the operations of United States Lines, Inc. Therefore, it is ordered, pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 and 29 CFR 1905.10(c) that United States Lines, Inc., be, and it is hereby, authorized to calculate the gross weight of shipping containers from shipping documents and container weights, in accordance with 29 CFR 1918.85(b)(5). United States Lines shall forthwith give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance. See 29 CFR 1905.10.

Effective date. This interim order shall be effective as of July 19, 1972, and shall remain in effect until a decision is rendered on the application for variance by United States Lines, Inc.

Signed at Washington, D.C., this 13th day of July 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-11104 Filed 7-18-72;8:52 pm]

Office of the Secretary

NORTH DAKOTA

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, Title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Martin N. Gronvold, Executive Director of the North Dakota Employment Security Bureau, has determined that there was a State "on" indicator in North Dakota for the week beginning June 11, 1972, and that an extended benefit period began in the State with the week beginning July 2, 1972.

Signed at Washington, D.C., this 14th day of July 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-11065 Filed 7-18-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 33]

ASSIGNMENT OF HEARINGS

JULY 14, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134263, E. L. Warthen, doing business as Redway Carriers, now assigned August 15, 1972, at Chicago, Ill., hearing is postponed to September 12, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 103933 Sub 624 and 689, Morgan Drive-Away, Inc., now assigned August 7, 1972, will be held in Room 505, Federal Building, 310 Newbern Avenue, Raleigh, NC.

MC 136320, Griffin Block and Sand Co., now assigned August 2, 1972, will be held in the Pratt Library Auditorium, Tryon and Sixth Street, Charlotte, NC.

MC 124904 Sub 1, Gibney Distributors, Inc., now assigned August 14, 1972, at New York City, N.Y., hearing is postponed indefinitely.

MC 120120 Sub 6, Canning Truck Service, Inc., now assigned August 8, 1972, will be held in the Nebraska State Railway Commission, 1342 M Street, Third Floor, Lincoln, Nebr.

MC-C-7646, Franklin Bus Service, Inc.-V-Johnny F. Duke, doing business as Duke's Bus Service, now assigned September 12, 1972, at Suffolk, Va., in the Suffolk Chamber of Commerce, 1001 West Washington Street.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11111 Filed 7-18-72;8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 14, 1972.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG- AND SHORT-HAUL

FSA No. 42479—*Newsprint Paper from Corner Brook, Newfoundland, Canada.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E. R. No. 3020), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Corner Brook, Newfoundland, Canada, to specified points in New York, Ohio, Michigan, and Illinois.

Grounds for relief—Water competition.

Tariff—Supplement 38 to Canadian Freight Association tariff I.C.C. 341. Rates are published to become effective on August 18, 1972.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11112 Filed 7-18-72;8:52 am]

[No. 35632]

NEBRASKA INTRASTATE FREIGHT RATES AND CHARGES, 1972

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 12th day of July 1972.

By petition filed May 22, 1972, Burlington Northern, Inc., Chicago and North Western Railway Co., Union Pacific Railroad Co., Missouri Pacific Railroad Co., and Chicago, Rock Island and Pacific Railroad Co., common carrier lines of railroad within the State of Nebraska and from, to, and through that State, and subject to the laws of that State and to the jurisdiction of the Nebraska State Railway Commission, allege that the State commission denied the carriers' request for permission to increase their intrastate carload rates on grain and grain products, including soybean cake and meal, and soybean oil, and their carload rates on sugar, beet or cane, and sugar beets as authorized by this Commission for the interstate movement of those commodities in ex parte No. 265, Increased Freight Rates, 1970, 339 I.C.C. 125; and

It appearing, that the petitioners allege that the Nebraska intrastate freight rates and charges on grain and grain products, including soybean cake and meal and soybean oil, and sugar, beet or cane, and sugar beets, cause undue and unreasonable advantage and preference as between persons and localities in Nebraska intrastate commerce, on the one hand, and undue prejudice as between persons and localities in interstate commerce, on the other hand, and cause undue, unreasonable and unjust discrimination against, and cast an undue burden upon, interstate commerce, that the undue and unreasonable advantage, preference or prejudice, or undue, unreasonable, or unjust discrimination can and should be removed by prescribing increases in the Nebraska intrastate freight rates and charges on grain and grain products, including soybean cake and meal, and soybean oil, and sugar, beet or cane, and sugar beets, corresponding to those authorized on interstate commerce; thus, the petitioners request that the Commission institute an investigation under section 13 of the Interstate Commerce Act, join all railroads operating in the State of Nebraska as respondents, and set the matter for an early hearing, and thereafter enter an order requiring the removal of the alleged unlawfulness by requiring that the said Nebraska intrastate rates and charges be made subject to the same respective increases as are and for the future may be maintained by the respondents on corresponding interstate traffic between points in Nebraska and points in Nebraska and adjoining States under the authorization in ex parte No. 265, Increased Freight Rates, 1970, supra; furthermore, it is alleged by petitioner's letter received May 31, 1972, that there is a complete absence of any significant effect of the action requested by the Commission on the quality of the human environment;

And it further appearing, that there have been brought in issue by the railroad petitioners matters sufficient to require an investigation into the lawfulness of intrastate rates and charges on the above cited commodities made or imposed by the State of Nebraska, which do not include increases maintained by the petitioners on corresponding traffic moving in interstate or foreign commerce under the authorization in ex parte No. 265, Increased Freight Rates, 1970, supra; therefore,

It is ordered, That the petition for an investigation be, and it is hereby, granted.

It is further ordered, That an investigation be, and it is hereby instituted under section 13 of the Interstate Commerce Act to determine whether the intrastate rates and charges of the petitioning carriers by railroad, or any of them, operating in the State of Nebraska, for the intrastate transportation of property, made or imposed by the State of Nebraska, as previously indicated, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those authorized on similar traffic moving interstate by this Commission in ex parte No. 265, Increased Freight Rates, 1970, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons of localities in intrastate commerce, on the one hand, and those in interstate or foreign commerce, on the other, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Nebraska, subject to the jurisdiction of this Commission, be, and they are hereby made respondents to this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding, and to file and to receive copies of pleadings, shall make known that fact by notifying this Commission in writing within 30 days of the date of publication hereof in the FEDERAL REGISTER. Although individual participation is not precluded, to conserve time and avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the

greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate has passed, the Commission's Office of Proceedings shall serve a list of the names and addresses of all persons upon whom services of all pleadings must be made.

It is further ordered, That a copy of this order be served upon each of the said petitioners, and that the State of Nebraska be notified by sending copies of this order and the said petition by certified mail to the Governor of Nebraska, Lincoln, Nebr., and to the Nebraska State Railway Commission, Lincoln, Nebr.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein. Interested persons shall be afforded the opportunity to inspect pleadings at the Office of the Secretary of the Commission in Washington, D.C.

And it is further ordered, That this proceeding be assigned for oral hearing at a time and place to be hereafter designated.

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11120 Filed 7-18-72;8:53 am]

[Special Permission No. 73-123]

SEATRAIN INTERNATIONAL, S.A.

Publication of Reduced Rates on Short Notice; Minibridge Tariffs

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 12th day of July 1972.

By special permission application No. 4, filed by Seatrain International, S.A., for and on behalf of carriers parties to its tariffs ICC Nos. 1, 2, 1 (Seatrain Pacific, S.A., series), 3, and 2 (Seatrain Pacific, S.A., series), authority is sought under the provisions of section 6 of the Interstate Commerce Act to depart from the terms of Rule 14(a) of Tariff Circular No. 20, and any other rules deemed necessary, in order to issue revised pages to the aforesaid tariffs, effective upon 1 day's notice, when said revised pages contain rate reductions to initiate new rates or meet rate reductions of competing ocean carriers whose tariffs are lawfully filed with the Federal Maritime Commission, as set forth in the application and exhibits attached thereto. A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That, all water carriers subject to the Shipping Act of 1916, and rail and motor common carriers of property in interstate or foreign commerce subject to Parts I and II of the Interstate Commerce Act, who have published or will publish intermodal (minibridge) tariffs containing joint rates and through routes for the transportation of property between points in the United States and points in foreign countries, be, and they are hereby authorized to file amendments to their respective tariffs which provide for changes in rates, charges, routes, rules, regulations, or other provisions that meet reductions or changes in rates, charges, routes, rules, regulations, or other provisions published on less than statutory notice in competing ocean carrier's all-water tariffs that are not subject to the jurisdiction of this Commission but subject to the jurisdiction of the Federal Maritime Commission, resulting in a decrease in rates and charges to the shipper, which may become effective upon 5 days' notice to this Commission and the public: *Provided,* That the carriers shall concurrently with the filing of such amendment(s) with this Commission, include an exact copy of the competing carrier's tariff amendment(s) identifying the competing carrier or conference, together with a specific explanation of the changes being made, and further provided that the competing rate sought to be met must not have been established by an ocean carrier publishing or participating in the intermodal (minibridge) tariff, or by any subsidiary or affiliate thereof.

It is further ordered, That, the authority in this special permission is subject to the following conditions:

(1) That there will be no inconsistencies in the effective dates on the tariff publications filed jointly with the Federal Maritime Commission and the Interstate Commerce Commission.

(2) That the tariff(s) being amended contains a cargo, not otherwise specified rate or similar general cargo rate, which rate would otherwise be applicable to the specific commodity from and to the same points, via the same route, and that the established specific commodity rate be equal to or lower than the previously applicable cargo, not otherwise specified rate or general cargo rate.

(3) That the division, rate, or charge to be collected by the carrier(s) subject to the Interstate Commerce Act for its portion of the through service be no less than the existing division, rate or charge on the same commodity in like quantity from and to the same points and by the same route.

(4) That in the event a petition requesting suspension is received by this Commission of rate(s), charges, routes, rules, regulations, or other provisions published upon 5 days' notice under authority of this special permission, but not yet effective, the protested rate(s), charge, route, or service shall upon notification to the carrier or publishing agent from this Commission be canceled by said carrier or agent from the tariff(s) within ten (10) days after notification by this Commission effective upon 1 day's notice, and then may be republished without change, effective upon not less than thirty (30) days' notice. A reduced rate that has been protested may not be republished again on 5 days' notice under the authority provided in this special permission.

This permission shall not be used as authority for filing:

(1) Tariff publications providing new or initial rates, charges, routes, rules, regulations, or other provisions on less than thirty (30) days' notice.

(2) Tariff publications which provide new points and/or ports of origin or destination.

(3) Tariff publications which provide for the elimination or cancellation of a specific commodity, rate, charge, route, or service.

It is further ordered, That, publication(s) issued and filed hereunder shall bear the following notation:

Issued on five (5) days' notice; under authorty of ICC permission No. 73-123.

It is further ordered, That, this permission does not modify any outstanding formal orders of this Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariffs, or any of the provisions of the Interstate Commerce Act, nor does it authorize the filing of any publications other than those referred to herein. This permission shall continue in force and effect to and including July 12, 1973.

And it is further ordered, That, notice of this order be given to Seatrain International, S.A., all other water carriers publishing joint intermodal (minibridge) tariffs, and the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11121 Filed 7-18-72;8:53 am]

[No. 35539]

LOUISIANA INTRASTATE FREIGHT RATES AND CHARGES, 1971

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of July 1972.

It appearing, that, by order entered on March 13, 1972, the investigation in this proceeding was instituted;

It further appearing, that inadvertent errors appeared in the said order; therefore,

It is ordered, That the said order be, and it is hereby, corrected to the extent hereinafter indicated, and that in all other respects it shall remain in effect. (It will be understood that parties who have previously responded will not be expected to respond by the terms of this corrected order.)

Accordingly, it is ordered,

1. That the fourth ordering paragraph thereof be stricken, and that in lieu thereof the following paragraphs be inserted:

It is further ordered, That all persons who wish actively to participate in this proceeding, and to file and to receive copies of pleadings, shall make known that fact by notifying the Office of Proceedings of this Commission, Room 5354, in writing (original and one copy) within 30 days from date of publication hereof in the FEDERAL REGISTER. Although individual participation is not precluded to conserve time and avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission's Office of Proceedings will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

2. That, as the final paragraph of the said order, insert the following:

And it is further ordered, That this proceeding be assigned for hearing as may hereafter be designated.

It is further ordered, That a copy of this corrected order shall be published in the FEDERAL REGISTER.

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11044 Filed 7-18-72;8:47 am]

[Notice 93]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered procedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73777. By order of July 11, 1972, the Motor Carrier Board approved the transfer to Herb Whitworth Moving & Storage Co., a corporation, 3344 Greenwood Boulevard, Maplewood, MO 63143, of the operating rights in certificate No. MC-126852 issued March 31, 1966, to Herbert Whitworth, doing business as Herb Whitworth Moving & Storage, same address, Maplewood, Mo., authorizing the transportation of uncrated new household furniture, household furnishings, household appliances, and pianos, from St. Louis, Mo., and points in St. Louis County, Mo., to points in that part of Illinois south of a line beginning at the Illinois-Iowa State line near Burlington, Iowa, and extending along U.S. Highway 34 to junction Illinois Highway 116, thence south and east along Illinois Highway 116 to junction U.S. Highway 24 at Peoria, Ill., thence east along U.S. Highway 24 to the Illinois-Indiana State line.

No. MC-FC-73800. By order of July 11, 1972, the Motor Carrier Board approved the transfer to H. H. Sperbeck, doing business as Pleasant Hill Transfer, Pleasant Hill, Mo., of certificate No. MC-59703 issued October 13, 1966, to Charles D. Becker, doing business as Pleasant Hill Transfer, Pleasant Hill, Mo. authorizing the transportation of: General commodities, usual exceptions, and certain specifically named commodities, between specified points in Missouri, Kansas, and Iowa. Tom B. Kretsinger, attorney, 450 Professional Building, Kansas City, Mo. 64106.

No. MC-FC-73808. By order of July 11, 1972, the Motor Carrier Board approved the transfer to Ebel Transfer, Inc., Scribner, Nebr., of the operating rights set forth in certificates Nos. MC-1293 and MC-1293 (Sub-No. 2), issued October 11, 1941 and December 3, 1964, respectively, to Harvey Ellis, doing business as Ellis Transfer, authorizing the transportation of general commodities, with the usual exceptions, between Westpoint, Nebr., and Omaha, Nebr., over a specified route, serving the intermediate and off-route points of Scribner, Beemer, and Wisner, Nebr., and Council Bluffs, Iowa; and packinghouse cracklings, unground, in bulk, from Westpoint, Nebr., to Sioux City, Iowa. Earl H. Scudder, Jr., 605 South 14th Street, Box 82028, Lincoln, NE 68501, attorney for applicants.

No. MC-FC-73815. By order of July 11, 1972, the Motor Carrier Board approved the transfer to Newark Industrial Supply, a corporation, Union, N.J., of the operating rights in certificates Nos. MC-126693 and MC-126693 (Sub-No. 1) issued April 6, 1965, and August 22, 1966, respectively, to Irvington Trucking, Inc., Staten Island, N.Y., authorizing the transportation of general commodities, with exceptions, between points in Union County, N.J., on the one hand, and, on the other, points in New York; between points in Essex County, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission; and incandescent lamps, from East Newark, N.J., to points in the New York, N.Y., commercial zone, as defined by the Commission. Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102, attorney for transferee and Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, representative for transferor.

No. MC-FC-73821. By order of July 11, 1972, the Motor Carrier Board approved the transfer to Evans Freight Line, Inc., Los Angeles, Calif., of certificates of registration Nos. MC-120018 (Sub-No. 2), and MC-120018 (Sub-No. 3) issued April 20, 1964, and April 10, 1967, respectively, to Evans Tank Line, Inc, Maywood, Calif., evidencing a right to engage in transportation in interstate commerce as described pursuant to certificate granted prior to October 15, 1962, and transferred to applicant in No. 56310, dated March 3, 1958 and No. 57860, dated January 13, 1959, and to that portion of the certificate No. 71354 dated October 4, 1966, by the California Public Utilities Commission. Donald Murchison, Suite 400, 9454 Wilshire Boulevard, Beverly Hills, Calif., attorney for applicants.

No. MC-FC-73841. By order entered July 11, 1972, the Motor Carrier Board approved the transfer to Wilmer Waltz, Bethlehem, Pa., of the operating rights set forth in permit No. MC-125463 (Sub-No. 2), issued December 23, 1969, to George H. Michael, doing business as Triple "M" Service, Bethlehem, Pa., authorizing the transportation of waste textile scrap materials, between Allentown, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, and specified areas in New York, West Virginia, and Virginia, restricted to transportation to be performed under a continuing contract or contracts with S. Levine and Sons, of Allentown, Pa. George H. Michael, 3148 Brodhead Road, Bethlehem, PA. 18017, representative for applicants.

No. MC-FC-73842. By order entered July 11, 1972, the Motor Carrier Board approved the transfer to Geppert Bros., Inc., Colmar, Pa., of that portion of the operating rights set forth in Certificate No. MC-67403, issued July 14, 1970, to Raymond Slater, Philadelphia, Pa., authorizing the transportation of: Machinery, building contractors' machinery and equipment and machine parts, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, and Delaware. Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103, attorney for transferee and John W. Frame, Box 626, 2207 Old Gettysburg, Camp Hill, Pa. 17011, attorney for transferor.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11117 Filed 7-18-72;8:52 am]

[Notice 19]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 14, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission

under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 621), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed June 28, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Las Cruces, N. Mex., over Interstate Highway 10 to junction U.S. Highways 70 and 80 (West Las Cruces Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From the point where New Mexico Highway 478 contacts the Texas-New Mexico State line (Anthony), over New Mexico Highway 478 to junction unnumbered highway (North Mesilla Park); thence over unnumbered highway to Las Cruces; thence over U.S. Highway 70 to the New Mexico-Arizona State line. (Connects with Arizona route 2 and Texas route 1).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11114 Filed 7-18-72;8:52 am]

[Notice 21]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 14, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Deviation No. 87), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, TX 75222, filed June 28, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 20 and U.S. Highway 6 (near Fremont, Ohio), over U.S. Highway 20 via Norwalk, Ohio, to junction Ohio Highway 58 (near Pittsfield, Ohio); thence over Ohio Highway 58 to junction Ohio Highway 18 at Wellington, Ohio, thence over Ohio Highway 18 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction U.S. Highway 21, thence over U.S. Highway 21 to Cleveland, Ohio, and return over the same route. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 via Onarga, Gilman and Kankakee, Ill., to Chicago, Ill., thence over Alternate U.S. Highway 30 via Calumet City, Ill., to junction U.S. Highway 6, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 46, thence over Ohio Highway 46 to Ashtabula, Ohio, thence over U.S. Highway 20 to junction New York Highway 78, thence over New York Highway 78 to junction New York Highway 33, thence over New York Highway 33 to to Batavia, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over New York Highway 9-J to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, N.J., and return over the same route.

No. MC-113981 (Deviation No. 3), V. J. HUNT, doing business as VEGAS TRUCKING & MOVING CO., 2853 Cedar Street, Las Vegas, NV 89104, filed July 5, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Emigrant Junction, Calif., over California Highway 190 to junction unnumbered highway (in Panamint Valley), thence over unnumbered highway to junction of another unnumbered highway approximately 10 miles south of Wildrose, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pahrump, Nev., over Nevada Highway 52 to the Nevada-California State line, thence over California Highway 52 to Shoshone, Calif., thence over California Highway 127 to Death Valley Junction, Calif., thence over California Highway 190 to Emigrant Junction, Calif., thence over unnumbered highway to junction California Highway 212 approximately 7 miles south of Trona, Calif., thence over California Highway 212 to junction U.S. Highway 6, approximately 4 miles west of Inyokern, Calif., thence over U.S. Highway 6 to Freeman, Calif., thence over California Highway 178 to Bakersfield, Calif., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11115 Filed 7-18-72;8:52 am]

[Notice 57]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 14, 1972.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Sub-No. 184) (Republication), filed October 5, 1965, and published in the FEDERAL REGISTER issues of November 4, 1965, and November 10, 1966, clarified May 23, and June 8, 1967, and republished this issue. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. A report of the Commission, Division 1, decided May 5, 1972, and served June 12, 1972, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, of General commodities (except those of unusual value, classes A and B explosives, household goods as defined

by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Pittsburgh, Pa., and Columbus, Ga., as follows: (a) From Pittsburgh over U.S. Highway 19 to Morgantown, W. Va. (also from Pittsburgh over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highand 21 to Princeton, W. Va., thence over U.S. Highway 19 to Beckley, W. Va., thence over combined U.S. Highways 19 and 21 to Princeton, W. Va., thence over combined U.S. Highways 19 and 460 to Bluefield, W. Va., thence over combined U.S. Highways 21 and 52 to Wytheville, Va., thence over Interstate Highway 81 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lexington, N.C., thence over Interstate Highway 85 (also over U.S. Highway 29) to Greenville, S.C., thence over U.S. Highway 29 to Athens, Ga., thence over combined U.S. Highways 129 and 441 to junction U.S. Highway 129 and U.S. Highway 441 near Eatonton, Ga., thence over U.S. Highway 129 to Macon, Ga., thence over U.S. Highway 80 to Columbus, Ga., and return over the same routes, serving the intermediate points of Macon and Athens, Ga., Greenville, S.C., and Gastonia, Charlotte, and Winston-Salem, N.C., and the off-route points of La Grange, Manchester, Warner-Robins, Warner-Robins Air Force Base, Augusta, and Savannah, Ga., Wilmington, Goldsboro, and Rocky Mount, N.C., points in Charleston, Berkeley, and Dorchester Counties, S.C., and those points in North Carolina and South Carolina on and west of U.S. Highway 301.

(b) From Pittsburgh, Pa., to Greenville, S.C., as described in (1) (a) above, thence over U.S. Highway 123 to junction combined U.S. Highways 123 and 76 near Clemson, S.C., thence over combined U.S. Highways 123 and 76 to junction U.S. Highway 123 and U.S. Highway 76 near Westminster, S.C., thence over U.S. Highway 123 to junction U.S. Highway 23, thence over U.S. Highway 23 to Atlanta, Ga. (also from Greenville over U.S. Highway 29 through Athens, Ga., to Atlanta) (also from Greenville over Interstate Highway 85 to Atlanta), thence over Georgia Highway 85 to junction U.S. Highway Alternate 27, thence over U.S. Highway Alternate 27 and Georgia Highway 85 to Columbus, Ga. (also from Atlanta over combined U.S. Highways 41 and 19 to Griffin, Ga., thence over U.S. Highway 41 to junction U.S. Highway 23 near Forsyth, Ga., thence over combined U.S. Highways 41 and 23 to Macon, Ga., thence over U.S. Highway 80 to Columbus), and return over the same routes, serving the intermediate points of Atlanta, Athens, Macon, Manchester, and Griffin, Ga., Greenville, S.C., Gastonia, Charlotte, and Winston-Salem, N.C., and the off-route points of Rome, Dalton, Calhoun, La Grange, Hedges, Plainville, Warner-Robins, Warner-Robins Air Force Base, Augusta, and Savannah, Ga., Wilmington, Goldsboro, and Rocky Mount, N.C., points in Charleston, Berkeley, and Dorchester Counties, S.C., and those points in North Carolina and South Carolina on and west of U.S. Highway 301. (c) From Pittsburgh, Pa., to Wytheville, Va., as described in (1) (a) above, thence over U.S. Highway 11 to Bristol, Tenn. (also from Wytheville over Interstate Highway 81 to Bristol), thence over U.S. Highway 11W to Knoxville, Tenn., thence over Interstate Highway 40 to junction U.S. Highway 27 near Harriman, Tenn., thence over U.S. Highway 27 to Chattanooga, Tenn., thence over combined U.S. Highways 41 and 76 to Dalton, Ga., thence over U.S. Highway 41 to Atlanta, Ga., thence to Columbus, Ga., as described in (1) (b) above, and return over the same routes, serving the intermediate points of Dalton, Calhoun, Atlanta, Macon, Manchester, and Griffin, Ga., and the off-route points of Rome, Plainville, Hedges, La Grange, Warner-Robins, Warner-Robins Air Force Base, and Athens, Ga.

(2) Between Newcomerstown, Ohio, and Columbus, Ga., as follows: From Newcomerstown over U.S. Highway 21 (also over Interstate Highway 77) to Charlestown, W. Va., thence over combined Interstate Highways 64 and 77 (West Virginia Turnpike) to junction Interstate Highway 77 and Interstate Highway 64, thence over Interstate Highway 77 to junction combined U.S. Highways 219 and 460 near Princeton, W. Va., thence over combined U.S. Highways 219 and 460 to Bluefield, W. Va., thence to Columbus, Ga., as described in (1) (a), (b), and (c) above, and return over the same routes, serving Newcomerstown, Ohio, for purposes of joinder only and serving the intermediate points of Dalton, Calhoun, Manchester, Atlanta, Griffin, Macon, and Athens, Ga., Greenville, S.C., Gastonia, Charlotte, and Winston-Salem, N.C., and the off-route points of Rome, Dalton, Calhoun, Plainville, Hedges, La Grange, Manchester, Augusta, Athens, Savannah, Warner-Robins, and Warner-Robins Air Force Base, Ga., Wilmington, Goldsboro, and Rocky Mount, N.C., points in Charleston, Berkeley, and Dorchester Counties, S.C., and those points in North Carolina and South Carolina on and west of U.S. Highway 301. (3) Between Athens, Ohio, and Columbus, Ga., as follows: From Athens over U.S. Highway 33 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction U.S. Highway 21 (also junction Interstate Highway 77) near Ripley, W. Va., thence over U.S. Highway 21 (also Interstate Highway 77) to Charleston, W. Va., thence to Columbus, Ga., as described in (2) above, and return over the same routes, serving Athens, Ohio, for purposes of joinder only, and serving the intermediate and off-route points named in (2) above. (4) Between Cincinnati, Ohio, and Columbus, Ga., as follows:

(a) From Cincinnati over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati over combined Interstate Highways 71 and 75 to junction Interstate Highway 71 and Interstate Highway 75, thence over Interstate Highway 75 to Lexington, Ky.), thence over U.S. Highway 27 to Chattanooga, Tenn., thence over combined U.S. Highways 41 and 76 to junction U.S. Highway 41 and U.S. Highway 76 at or near Dalton, Ga., thence over U.S. Highway 41 to Atlanta, Ga., thence to Columbus, Ga., as described in (1) above, and return over the same routes serving the intermediate and off-route points named in (1) (c) above. (b) From Cincinnati to Lexington, Ky., as described in (4) (a) above, thence over combined U.S. Highways 421 and 25 to junction U.S. Highway 421 and U.S. Highway 25 at or near Terrill, Ky., thence over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25W to Knoxville, Tenn., thence over U.S. Highway 129 to junction U.S. Highway 411 at Maryville, Tenn., thence over U.S. Highway 411 to junction U.S. Highway 41 near Cartersville, Ga., thence over U.S. Highway 41 to Atlanta, Ga., thence to Columbus, Ga., as described in (1) above, and return over the same routes, serving the intermediate points of Atlanta, Macon, Griffin, and Manchester, Ga., and the off-route points of La Grange, Athens, Warner-Robins, and Warner-Robins Air Force Base, Ga. (c) From Cincinnati over U.S. Highway 52 to Bluefield, W. Va., thence to Columbus, Ga., as described in (1) (a) and (b) above, and return over the same routes, serving the intermediate and off-route points named in (1) (a) and (b) above. (d) From Cincinnati to Lexington, Ky., as described in (4) (a) above, thence over combined U.S. Highways 421 and 25 to junction U.S. Highway 421 and U.S. Highway 25 at or near Terrill, Ky., thence over U.S. Highway 421 to junction U.S. Highway 421 and U.S. Highway 58 at Dot, Va., thence over combined U.S. Highways 421 and 58 to Bristol, Tenn., thence over U.S. Highway 421 to Winston-Salem, N.C., thence to Columbus, Ga., as described in (1) (a) and (b) above and return over the same routes, serving the intermediate and off-route points named in (1) (a) and (b) above.

(e) From Cincinnati to Corbin, Ky., as described in (4) (b) above, thence over U.S. Highway 25E to Newport, Tenn., thence over combined U.S. Highways 25 and 70 to Asheville, N.C., thence over U.S. Highway 25 to Greenville, S.C., thence to Columbus, Ga., as described in (1) (a) and (b) above, and return over the same routes, serving the intermediate points of Atlanta, Athens, Macon, Griffin, and Manchester, Ga., Greenville, S.C., Asheville, N.C., and the off-route points of Rome, Dalton, Calhoun, Hedges, Plainville, La Grange, Manchester, Savannah, Augusta, Warner-Robins, and Warner-Robins Air Force Base, Ga., points in Charleston, Berkeley, and Dorchester Counties, S.C., and those points in North Carolina and South Carolina on and west of U.S. Highway 301. (f) From Cincinnati to Asheville, N.C., as described in (4) (e) above, thence over U.S. Highway 74 to junction U.S. Highway 29 near Kings Mountain, N.C., thence over combined U.S. Highways 74 and 29 to Charlotte, N.C., thence to Columbus, Ga., as described in (1) (a) and (b) above, and return over the same routes, serving the intermediate points of Atlanta, Athens, Macon, Griffin, and Manchester, Ga., Greenville, S.C., and

Charlotte, Gastonia, and Asheville, N.C., and the off-route points Rome, Dalton, Calhoun, Hedges, Plainville, La Grange, Manchester, Savannah, Augusta, Warner-Robins, and Warner-Robins Air Force Base, Ga., and Wilmington, N.C., points in Charleston, Berkeley, and Dorchester Counties, S.C., and those points in North Carolina and South Carolina on and west of U.S. Highway 301. (5) Between Louisville, Ky., and Columbus, Ga., as follows: (a) From Louisville over U.S. Highway 60 to Lexington, Ky. (also from Louisville over Interstate Highway 64 to Lexington), thence to Columbus, Ga., as described in (4) (a), (b), and (d)–(f) above, and return over the same routes, serving the intermediate and off-route points named in (4) above. (b) From Louisville over U.S. Highway 60 (also over Interstate Highway 64) to junction U.S. Highway 127 west of Frankfort, Ky., thence over U.S. Highway 127 to junction U.S. Highway 150 at Danville, Ky., thence over U.S. Highway 150 to junction U.S. Highway 25 at Mount Vernon, Ky., thence over U.S. Highway 25 to Corbin, Ky., thence to Columbus, Ga., as described in (4) (b), (e), and (f) above, and return over the same routes, serving the intermediate and off-route points named in (4) (b), (e), and (f) above.

(6) Serving in connection with each of the above routes except (1) (a) above: Points in De Kalb, Clayton, Fulton, and Cobb Counties, Ga., those points in Henry County, Ga., on, north, east, and west of a line extending along combined U.S. Highways 19 and 41 from the boundary line of Henry and Clayton Counties to the junction of Georgia Highway 81, thence along Georgia Highway 81 to the intersection of Georgia Highway 81 and Georgia Highway 155, thence along Georgia Highway 155 to the boundary of Henry and Rockdale Counties, thence along that boundary to the boundary with De Kalb County; those points in Douglas County, Ga., on and east of a line extending along Georgia Highway 5 from the boundary line of Douglas and Carroll Counties, Ga., to the junction with U.S. Highway 78, thence along U.S. Highway 78 to the junction with Georgia Highway 92, thence along Georgia Highway 92 to the boundary line of Douglas and Paulding Counties, Ga.; those points in Gwinnett County, Ga., on and west of a line extending along Georgia Highway 124 from the boundary line of Gwinnett and De Kalb Counties to the intersection of Georgia Highway 124 and Georgia Highway 20 at Lawrenceville, Ga., and thence along Georgia Highway 20 to the boundary line of Gwinnett and Forsyth Counties, Ga., and those points in Fayette County, Ga., on and north of Georgia Highway 54. Restrictions: (1) Restricted against service between points in North Carolina, South Carolina, and Georgia.

(2) Service at all termini, intermediate, and off-route points on the above-described routes is restricted against the transportation of traffic moving between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maryland, New Jersey, Delaware, the District of Columbia, and those points in New York and Pennsylvania east of a line beginning at the international boundary line between the United States and Canada at Alexandria Bay, N.Y., and extending over New York Highway 12 to Watertown, N.Y., thence over U.S. Highway 11 to Pulaski, N.Y., thence over New York Highway 13 to Horseheads, N.Y., thence over New York Highway 14 to the boundary line between New York and Pennsylvania, thence over Pennsylvania Highway 14 to Trout Run, Pa., thence over U.S. Highway 15 to Williamsport, Pa., and thence over U.S. Highway 220 to the boundary line between Pennsylvania and Maryland, on the one hand, and, on the other, points in North Carolina, South Carolina, and points beyond. It is further found that applicant is fit, willing, and able properly to perform said service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations promulgated thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition or other relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 43734 (Sub-No. 5) (Republication) filed August 2, 1971, published in the FEDERAL REGISTER issue of September 10, 1971, and republished this issue. Applicant: ARTUS TRUCKING COMPANY, INC., 4702 Second Avenue, Brooklyn, N.Y. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. An order of the Commission, Operating Rights Board, dated June 7, 1972, and served June 30, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of paper and paper bags, between Kearny, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Rhode Island, New Jersey, New York, Maryland, Massachusetts, and the District of Columbia and those points in Pennsylvania in and east of Bedford, Blair, Centre, Clinton, and Potter Counties, restricted to the transportation of traffic having an immediately prior or subsequent movement by rail or truck; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority decribed in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene setting forth the manner in which he has been prejudiced.

No. MC 95084 (Sub-No. 81) (Republication), filed April 30, 1971, published in the FEDERAL REGISTER issue of May 20, 1971, and republished this issue. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. A recommended order of the Commission, by Hearing Examiner, effective June 6, 1972, and served June 16, 1972, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of specified commodities as follows: (1) Agricultural machinery, implements and parts, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Kewanee, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, *restricted* to traffic originating at the plantsite of Kewanee Machinery & Conveyor Co., at Kewanee, Ill.

(2) Agricultural machinery, implements and parts, as described in (1) above, farm equipment, steel flooring and steel paneling, from Galva, Ill., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington), *restricted* to traffic originating at the plantsite of the Pearson Bros. Co., at Galva, Ill.; and (3) Agricultural machinery, implements, and parts, as described in (1) above, and farm equipment, from Sandwich, Ill., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington), *restricted* to traffic originating at the plant or warehouse site of Avco New Idea Farm Equipment Division, at Sandwich, Ill. It is further found that applicant is fit, willing, and able properly to perform said service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations promulgated thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of

30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition or other relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107403 (Sub-No. 826) (Republication), filed November 26, 1971, published in the FEDERAL REGISTER issue of December 30, 1971, and republished this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street NW., Washington, DC 20001. An order of the Commission, Operating Rights Board, dated May 17, 1972, and served June 12, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) alcoholic liquors, in bulk, in tank vehicles, from Baltimore, Md., to points in Wisconsin, and (2) liquid chemicals, in bulk, in tank vehicles, from Riverside, Pa., to Elkton, Va.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115322 (Sub-No. 65) (republication) filed January 9, 1970, published in the FEDERAL REGISTER issue of February 19, 1970 and republished this issue. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, Sanford, FL 32771. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, DC. An order of the Commission, Division 1, Acting as an Appellate Division, dated June 14, 1972, and served June 29, 1972, finds, that the present and future public convenience and necessity requires operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, in part (2) of the amended application in the above-entitled proceedings, transporting: *Foodstuffs*, from the facilities of Knouse Foods Cooperative, Inc., at Chambersburg, Orrtanna, and Peach Glen, Pa., to points in Alabama, Florida, and Georgia; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the commodities authorized in part (2) of the grant, as set forth in the appendix to the decision and order of December 14, 1971, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been so prejudiced.

No. MC 118570 (Sub-No. 2) (Republication), filed April 8, 1971, published in the FEDERAL REGISTER issue of May 20, 1971, and republished this issue. Applicant: DeFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, PA 18507. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. A second supplemental order of the Commission, Operating Rights Board, dated May 17, 1972, and served June 16, 1972, finds that operation by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth, sanitary paper and paper products, sanitary paper and paper products joined to or combined with paper, plastics, synthetics or cloth, pulp, and paper mill machinery and parts thereof (except in bulk), and (2) materials, equipment and supplies used or useful in the production, manufacture and distribution of the commodities described in paragraph (1) above (except in bulk), between the plantsite and storage facilities of the Proctor & Gamble Co. and its subsidiaries in the Township of Washington (Wyoming County), Pa., and its storage and shipping facilities in the counties of Luzerne and Lackawanna, Pa., on the one hand, and, on the other, points in New York City, Nassau County, and Westchester County, N.Y., those points in that portion of Suffolk County, N.Y., on and west of a line, beginning at the northern terminus of the Sunken Meadow Parkway.

Thence southerly over the Sunken Meadow Parkway to its junction with New York Highway 25A; thence over New York Highway 25A to its junction with New York Highway 111; thence over New York Highway 111 to its junction with Heckscher State Parkway; thence southerly over the Heckscher State Parkway to the southern shoreline of Long Island, those points in that portion of Rockland County, N.Y., east of New York Highway 17 and south of U.S. Highway 6, points in Bergen, Essex, Hudson, Middlesex, and Monmouth Counties, N.J., and points in that portion of Somerset County, N.J., east of U.S. Highway 206, and that portion of Morris County, N.J., east of U.S. Highway 202, and Ansonia, South Norwalk, New Haven, and Hartford, Conn., and Boston, Newton Upper Falls, and Taunton, Mass.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119864 (Sub-No. 45) (Republication), filed August 9, 1971, published in the FEDERAL REGISTER issue of September 16, 1971, and republished this issue. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, OH 43551. Applicant's representative: Dale K. Craig (same address as applicant). An order of the Commission, Operating Rights Board, dated January 6, 1972, and served June 30, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of food products (except in bulk), from Champaign, Ill., to points in Missouri, Michigan, Ohio, Indiana, Kentucky, West Virginia, and those points in New York, Pennsylvania, and Maryland on and west of Interstate Highway 81 restricted to the transportation of traffic originating at Champaign, Ill., and destined to points in the States named above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129631 (Sub-No. 17) (Republication), filed April 29, 1971, published in the FEDERAL REGISTER of May 20, 1971 and republished this issue. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT. Applicant's representative: Max Eliason, Post Office Box 2602, Salt Lake City, UT 84110.

A supplemental order by the Commission, Operating Rights Board, dated May 3, 1972, and served May 23, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of lumber, lumber mill products, and particle board, (a) from points in Idaho and Montana, to points in Arizona and (b) from points in Coconino, Navajo, Apache, Yavapai, and Mohave Counties, Ariz., to points in Utah, and (2) roofing and siding materials, decking (except steel decking), wallboard and fencing materials, from points in Coconino, Navajo, Apache, Yavapai, and Mohave Counties, Ariz., to points in Utah, restricted in (1) and (2) above against the transportation of commodities which because of their size or weight require special equipment; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the interstate Commerce Act and the Commission's rules and regulations thereunder. That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

NOTICES OF FILING OF PETITIONS

No. MC-76 (Notice of Filing of Petition for Waiver of Rule 1.101(e) for Reconsideration, and for Modification of Certificate), filed June 19, 1972. Petitioner: MAWSON & MAWSON, INC., Philadelphia, Pa. Petitioner's representative: Paul F. Sullivan, Suite 711, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Petitioner holds authority, the part here pertinent, to transport contractors' supplies and equipment, between Philadelphia, Pa., and points in Pennsylvania within 150 miles of Philadelphia, on the one hand, and, on the other, points in New Jersey, Delaware, and the District of Columbia. By the instant petition, petitioner seeks waiver of Rule 1.101(e) and modification of its certificate so as to enable it to transport "contractors' equipment, materials and supplies," in lieu of the present description which reads: "contractors' equipment and supplies." Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 9219 (Notice of Filing of Petition for Interpretation of Certificate and for Other Relief), filed June 22, 1972. Petitioner: GENERAL TRUCKING, INC., Elko, Nev. Petitioner's representative: Lee W. Hobbs, 1119 Continental Bank Building, Salt Lake City, Utah 84101. Petitioner holds a certificate in No. MC 9219, which authorizes the transportation, among other things, of: Ore, ore concentrates, and ranch, mining and milling machinery, equipment, and supplies, between points in Nevada within 100 miles of Elko, Nev., including Elko. By the instant petition, petitioner seeks the Commission to interpret the authority "ore, ore concentrates, and ranch, mining and milling machinery, equipment, and supplies, between points in Nevada within 100 miles of Elko, Nev., including Elko", to mean general commodities between the involved points, or in the alternative, that the grandfather proceedings be reopened. Any interested person desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 29569 (Notice of Filing of Petition for Modification of Certificate to Substitute Piece Goods in Lieu of Cotton Piece Goods), filed June 19, 1972. Petitioner: SALVATOR V. LASCARI AND VITO LASCARI, a partnership, doing business as S. V. LASCARI AND SON, 372 Main Street, Lodi, NJ 07644. Petitioner holds authority in No. MC 29569 to transport, over irregular routes, household and cotton piece goods, between Lodi, N.J., and New York, N.Y. By the instant petition, petitioner seeks that its certificate be modified so as to authorize the transportation of "piece goods" in lieu of "cotton piece goods." The household goods portion of the authority will remain unchanged. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 36750 (Sub-No. 1), (Notice of Filing of Petition for Conversion of Certificate of Public Convenience and Necessity to a Contract Carrier Permit), filed May 25, 1972. Petitioner: ALLISON-MITCHELL TRANSFER COMPANY, Seattle, Wash. Petitioner's representatives: George H. Hart and Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Certificate of Public Convenience and Necessity No. MC 36750 (Sub-No. 1) authorizes the transportation of lead-covered telephone cable, on reels, requiring special equipment for transportation, and pole line construction materials used in connection with such cable when moving in connection therewith, over irregular routes, from Seattle, Wash., to points of construction or installation in Washington in and west of Whatcom, Skagit, Snohomish, King, Perce, Thurston, Lewis, and Skamania Counties, Wash., and Cle Ellum and Ellensburg, Wash., with no transportation or compensation upon return except as otherwise authorized.

In its Order MC-135458, the Commission found that the holding of the contract carrier authority sought therein and operation by applicant as a common carrier to the extent authorized in Certificate No. MC 36750 (Sub-No. 1) would result in dual operations of the nature prohibited conditionally by section 210 of the Interstate Commerce Act and accordingly conditioned the grant of the permit authority in that proceeding upon either conversion of or cancellation of the authority contained in MC 36750 (Sub-No. 1) as shown above, thus, the filing of the instant petition. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 59054 (Notice of Filing of Petition for Modification, Clarification, and Amendment of Certificate), filed May 23, 1972. Petitioner: TRI-STATE CARRIER, INC., Carlstadt, N.J. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds authority in No. MC 59054 to transport over irregular routes, *General commodities*, except those of unusual value, gasoline, high explosives, furs, hides, skins, pelts, liquors, tobacco, tobacco products, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Sussex, Bergen, Passaic, Union, Hudson, Essex, and Morris Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester County, N.Y. By the instant petition, petitioner prays that an order be entered for either of the following alternatives: (a) To amend its certificate to read: Between points and places in Sussex, Bergen, Passaic, Union, Hudson, Essex, and Morris Counties, N.J., on the one hand, and, on the other, points in the New York Commercial Zone, as defined by the Commission, and points and places in Westchester County, N.Y., or (b) the Commission issue its appropriate order that the Petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., Commercial Zone as established by the Commission. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 63792 (Notice of Filing of Petition for Waiver of Rule 101(e), Reopening, Reconsideration, and Modification of Certificate), filed June 5, 1972. Petitioner: TOM HICKS TRANSFER

COMPANY, INC., 4132 Peters Road, Harvey, LA 70058. Petitioner's representative: C. W. Ferebee and J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Petitioner holds a certificate in No. MC 63792, the part here pertinent, which authorizes the transportation of: *"Heavy machinery,* and *machinery, materials, supplies, and equipment* incidental to, and used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and product of natural gas and petroleum, in truckload lots, between points in Arkansas, Louisiana, and Mississippi." By the instant petition, petitioner requests that the commodity description be modified to authorize, within the same territory, the transportation of: *Machinery, materials, supplies, and equipment,* incidental to, and used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; *commodities,* the transportation of which requires the use of special equipment, and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment; and *self-propelled articles* each weighing 15,000 pounds or more restricted to commodities which are transported on trailers. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 95920 (Sub-No. 13), (Notice of Filing of Petition To Amend Contract Carrier Permit To Authorize Service for Additional Shipper), filed May 22, 1972. Petitioner: Santry Trucking Co., Portland, Oreg. Petitioner's representative: George R. LaBissoniere, Seattle, Wash. 98101. Petitioner holds a Contract Carrier Permit in MC 95920 Sub 13 which authorized, among other things, the transportation of: Empty containers, rejected or spoiled malt beverages, hops in bales, rice, grain, infusorial earth, brewers malt, advertising matter, and other ingredients, materials, and supplies used in the manufacture of malt beverages, from points in California to Olympia, Wash., under a continuing contract with Olympia Brewing Co. of Olympia, Wash. By the instant petition, petitioner seeks to amend the contract to authorize service for the account of Hi-Cone Division, Illinois Tool Works, Inc. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 110388 (Sub-No. 20) (Notice of Filing of Petition for Modification of Key Point Restriction), filed June 7, 1972. Petitioner: UNION PACIFIC MOTOR FREIGHT COMPANY, Omaha, Nebr. Petitioner's representatives: William P. Higgins, John J. Burchell, and Robert B. Batchelder, 1416 Dodge Street, Omaha, NE 68102. Petitioner is authorized in No. MC 110388 (Sub-No. 20) to transport general commodities, with the usual exceptions, over regular routes, generally paralleling the lines of Union Pacific Railroad Co., in Oregon, Washington, and northern Idaho, limited to that which is auxiliary to, and supplemental of, the service of the railroad company and is limited to points that are stations on the rail lines of the railroad company. The certificate contains the following restriction: "Shipments transported by carrier shall be limited to those which it receives from or delivers to the Union Pacific Railroad Company or the Spokane International Railroad Company under a through bill of lading covering, in addition to movement by carrier, an immediately prior or subsequent movement by rail." The effect of the foregoing restriction is to require rail transportation of all traffic handled under the certificate for at least a portion of the movement. The certificate also contains the following limitation, commonly known as a "keypoint" restriction: "No shipment shall be transported by carrier between any of the following points, or through or to or from more than one of said points: Portland, Oreg.; Seattle, Wash.; and Tacoma-Puyallup, Wash., (considered as one)." By the instant petition, petitioner seeks to remove the key-point restriction imposed in said Certificate, by deleting the Tacoma-Puyallup key point. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 111442 (Sub-No. 1), (Notice of Filing of Petition To Add Name of Shipper to Present Operating Authority), filed June 20, 1972. Petitioner: CENTRAL STATES-EASTERN FOOD TRANSPORT, INC., Wheatland, Pa. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds authority in No. MC 111442 (Sub-No. 1), the part here pertinent, which authorizes transportation, over irregular routes, of: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses,* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *bakery products, confectionery, prepared foods,* and *frozen foods,* from Milwaukee, Wis., and Chicago, Ill., to Rochelle Park and Newark, N.J., and New York, N.Y., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Lambrecht Foods Co., of Milwaukee, Wis. By the instant petition, petitioner seeks to add the name of Patrick Cudahy, Inc., of Cudahy, Wis., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 112822 (Sub-No. 83) (Notice of Filing of Petition for Modification of Certificates), filed June 5, 1972. Petitioner: BRAY LINES INCORPORATED, Cushing, Okla. Petitioner's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Petitioner holds authority in No. MC 112822 (Sub-No. 83), the part here pertinent, to transport: *Canned goods,* in mixed loads with frozen foods or agricultural commodities as described in section 203(b)(6) of the Act, as amended, and *frozen foods* in mixed loads with canned goods or agricultural commodities as described in section 203(b)(6) of the Act, as amended, from points in California, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming. By the instant petition, petitioner requests that this authority be reissued in such form as to permit the transportation of straight loads of canned goods and straight loads of frozen foods, without the mixed load restriction now applying to these commodities. Petitioner suggests that such portion of the certificate might be rephrased to read as follows: (1) Canned goods. (2) Frozen foods. (3) Agricultural commodities as described in section 203(b)(6) of the Act, as amended, when transported at the same time and in the same vehicle with other commodities which are subject to regulation, from points in California, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116119 (Sub-No. 22), (Notice of Filing of Petition for Modification of Permit), filed June 9, 1972. Petitioner: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., Elkins, W. Va. Petitioner's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Petitioner holds authority in No. MC 116119 (Sub 22) to conduct operations, over irregular routes, transporting: *Dairy products, honey, syrups, dips, spreads,* and *margerines* in containers, between points in Pennsylvania, Ohio, West Virginia, Virginia, Maryland, and the District of Columbia. Restriction: The service authorized herein is subject to the following conditions: Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Elkins Baking Co., Inc., of Elkins, W. Va. By the instant petition,

petitioner seeks modification of its permit by adding the name of Sealtest Foods, Division of Kraftco Corp. as an additional shipper to be served under contract. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116816 (Sub-No. 10) (Notice of Filing of Petition to Modify Permit by Adding a New Shipper), filed June 1, 1972. Petitioner: MERIT TRUCKING CORP., Kearny, N.J. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, NY 10036. Petitioner is authorized in No. MC 116816 to transport, over irregular routes: *Household appliances, air conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph, and television sets,* and *parts and equipment therefor,* from site of carrier's warehouse at Kearny, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn.; and *Returned shipments* of the above-specified commodities, from the above-specified destination points to site of carrier's warehouse at Kearny, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Apollo Distributing Co., of Newark, N.J., L & P Distributors of New Jersey, of Maspeth, N.Y., Cooper Distributing Co., Inc., of Newark, N.J., Philco Distributors, Inc., of New York, N.Y., Motorola Metro, Inc., of Franklin Park, Ill., Bruno-New York, Inc., of New York, N.Y. By the instant petition, petitioner seeks to add the name of Emerson TV Sales Corp., as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124211 (Sub-No. 127) (NOTICE OF FILING OF PETITION TO AMEND CERTIFICATE SO AS TO AUTHORIZE THE TRANSPORTATION OF FRESH MEATS), filed June 9, 1972. Petitioner: HILT TRUCK LINE, INC., Omaha, Nebr. Petitioner's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Petitioner holds authority in No. MC 124211 (Sub-No. 127), authorizing the transportation of, among other things, "food products" between Lincoln, Nebr., on the one hand, and, on the other, points in Missouri (except Carrollton and Carthage, Mo.). By the instant petition, petitioner seeks modification of it's certificate to specifically include the transportation of "fresh meat". Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127584 Sub 1 and Sub 4 (NOTICE OF FILING OF PETITION TO AMEND PERMITS), filed May 16, 1972. Petitioner: AERO TRANSPORTERS, INC., Box 551, Ellenville, NY 12428. Petitioner's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. *Aluminum, aluminum mill products, and materials, supplies, and equipment* used in connection with the manufacture, production, or distribution of aluminum and aluminum mill products (except commodities in bulk, in tank vehicles), between points in the town of Wawarsing (Ulster County), N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: V.A.W. of America, Inc., of the town of Wawarsing, N.Y. Kaiser Aluminum & Chemical Corporation, of Oakland, Calif. Petitioner also holds Permit No. MC 127584 Sub 4, issued December 15, 1970, which authorizes the transportation of: *Aluminum, aluminum mill products, and materials, supplies, and equipment* used in connection with the manufacture, production, and distribution of aluminum and aluminum products (except commodities in bulk, in tank vehicles, and except commodities the transportation of which because of size or weight requires the use of special equipment), between points in the town of Wawarsing (Ulster County), N.Y., on the one hand, and, on the other, points in Kentucky, Missouri, North Carolina, South Carolina, and Tennessee. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts, with V.A.W. of America, Inc., of the town of Wawarsing, N.Y. By the instant petition, petitioner seeks to add the name of Southwire Co., of Carrollton, Ga., as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128898 (NOTICE OF FILING OF PETITION FOR MODIFICATION OF PERMIT), filed June 12, 1972. Petitioner: STANDARD TRANSPORTATION, INC., Ogden, Utah. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Petitioner holds Permit in No. MC 128898 which authorizes it to transport, in interstate or foreign commerce, over irregular routes, plumbing, industrial and waterworks supplies and equipment, between points in Utah, Idaho, Nevada, California, Oregon, and Washington, under continuing contract or contracts with Standard Plumbing Co. By the instant petition, petitioner seeks to amend the territorial scope of the application to add in addition to the commodities and territories hereinabove set forth, the following: Plumbing, industrial and waterworks supplies and equipment, over irregular routes, from Salt Lake City, Utah, to points in Alabama, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming. From points in Alabama, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming, to Salt Lake City, Utah, under contract with the same shipper as above. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

FREIGHT FORWARDER APPLICATION

No. FF-269 (Sub-No. 2), (NOTICE OF FILING OF PETITION FOR MODIFICATION OF PERMIT), filed June 19, 1972. Petitioner: ALOHA CONSOLIDATORS AND FREIGHT FORWARDERS, Long Beach, Calif. Petitioner's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. To the extent pertinent herein, petitioner, among other points and places, is authorized to operate in interstate or foreign commerce: ". . . as a freight forwarder of general commodities (except household goods as defined by the Commission, unaccompanied baggage and used automobiles), between points in California and Hawaii, restricted to the forwarding of shipments moving to or from territories or possessions of the United States . . ." By the instant petition, petitioner requests the Commission to modify its permit so as to add to the described operating authority, so that the described portion of the operating authority will thereafter read: ". . . as a freight forwarder of general commodities (except household goods as defined by the Commission, unaccompanied baggage and used automobiles), between points in California and Hawaii, restricted to the forwarding of shipments moving to or from territories or possessions of the United States, *or to or from foreign countries. . . .*" (emphasis added). Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 11220 (Sub-No. 126), filed June 28, 1972. Applicant: GORDONS TRANSPORT, INC., 185 West McLemore Avenue, Post Office Box 2696, Memphis, TN 38102. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Illinois on and within the following boundaries: from the Illinois-Indiana State Line in a westerly direction over Illinois Highway 17 to its junction with Illinois Highway 23; thence over Illinois Highway 23 in a northerly direction to its junction with U.S. Highway 6 at Ottawa; thence in a westerly direction over U.S. Highway 6 to its junction with U.S. Highway 51 at Peru; thence in a northerly direction over U.S. Highway 51 to its junction with Illinois Highway 173 at or near Rockford, Ill.; thence over Illinois Highway 173 in an easterly direction to Zion; thence along the western shore of Lake Michigan to the Illinois-Indiana State line; thence along the Illinois-Indiana State line to the point of beginning. NOTE: This application is a matter directly related to MC-F-11593, published in the FEDERAL REGISTER issue of July 6, 1972. The instant application seeks to convert the Certificate of Registration of J. B. Reed Motor Express, Inc., under MC 98913 (Sub-No. 2) into a Certificate of Public Convenience and Necessity. Applicant states it proposes to tack the authority requested herein with its present regular route authority at Chicago, Joliet, and Kankakee, Ill. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Memphis, Tenn.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11575. (Correction) (WHEATON VAN LINES, INC.—Purchase (portion)—AR-DEES ALASKA TRUCK LINES, INC.), published in the June 28, 1972, issue of the FEDERAL REGISTER, on pages 12760 and 12761. Prior notice should have read, *Household Goods, as defined by the Commission*, in lieu of *General commodities*, with exceptions.

No. MC-F-11580. (Correction) (NORTH PARK TRANSPORTATION CO.—Purchase—CLARENCE SHAW, doing business as SARATOGA TRUCK LINE, published in the June 28, 1972, issue of the FEDERAL REGISTER, on page 12762. Prior notice should have read, between Denver, Colo., and Encambent, Wyo., serving intermediate points of Fort Collins, Loveland, and Longmont, Colo., and Hanna, Rock River, Medicine Bow, Walcott, Saratoga, and Laramie, Wyo., and the off-route points of Littleton, Colo.; Parco, and Rawlins, Wyo., and points and places in Wyoming within 40 miles of the above described highways for the pickup of livestock only.

No. MC-F-11591. (Arrow Freightways, Inc.—Purchase—Floyd E. Stock), published in the July 6, 1972, issue of the FEDERAL REGISTER on page 13315. Application filed July 5, 1972, for temporary authority under section 210a(b).

No. MC-F-11598. (DAVIS TRANSPORT, INC.—PURCHASE (PORTION)—McRAY TRUCK LINE, INC.), published in the July 12, 1972, issue of the FEDERAL REGISTER on page 13665. Application filed July 3, 1972, for temporary authority under section 210a(b).

No. MC-F-11600. Authority sought for control and merger by REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050, of the operating rights and property of FLORIDA REFRIGERATED SERVICE, INC., Dade City, Fla., and for acquisition by LAMAR BEAUCHAMP, Post Office Box 1499, Winter Haven, FL 33880, and RICHARD BEAUCHAMP, also of Forest Park, Ga. 30050, of control of such rights and property through the transaction. Applicants' attorney: Paul M. Daniell, Post Office Box 872, Atlanta, Ga. 30301. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in all of the States in the United States (except Alaska and Hawaii), with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC-120543 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof.

REFRIGERATED TRANSPORT CO., INC., is authorized to operate as a *common carrier* in Mississippi, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, Arkansas, Nebraska, Illinois, Indiana, Iowa, Minnesota, Missouri, Oklahoma, Texas, Wisconsin, Kentucky, Michigan, Ohio, Kansas, Virginia, West Virginia, Nevada, Utah, Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Wyoming, South Dakota, North Dakota, Colorado, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11601. Authority sought for control by MOTOR DISPATCH, INC., 2559 South Archer Avenue, Chicago, IL 60608, of CONTRACT STEEL CARRIERS, INC., Post Office Box 380, East Chicago, IN 46312, and for acquisition by HARRY NEWBERGER, also of Chicago, Ill. 60608, of control of CONTRACT STEEL CARRIERS, INC., through the acquisition by MOTOR DISPATCH, INC. Applicants' attorney: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be controlled: *Steel articles* and *such materials* as are used or useful on highway construction projects (except cement, rock, sand, and gravel), as a common carrier over irregular routes, from Chicago, Ill., to points in Iowa and Illinois (except those in Illinois within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission), other than Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, McHenry, and Will Counties, Ill.; *iron and steel articles*, as described by the Commission in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Portage, Ind., to points in Iowa and Illinois (except those in Illinois within the St. Louis, Mo., Commercial Zone, as defined by the Commission), other than Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, McHenry and Will Counties, Ill.; *iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities which by reason of their size or weight require the use of special equipment or special handling other than those which because of length require the use of pole trailers, from the plantsites and warehouses of the Kankakee Electric Steel Co., Swanson Manufacturing Co., and Jones & McKnight, Inc., in Kankakee County, Ill., to points in Iowa, with restriction; *iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Iowa; *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Iowa, to the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., with restriction. MOTOR DISPATCH, INC., is authorized to operate as a common carrier in Indiana, Ohio, Michigan, Illinois, Missouri, Kentucky, Pennsylvania, Virginia, West Virginia, Iowa, New York, New Jersey, Delaware, Maryland, Rhode Island, Connecticut, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11602. Authority sought for purchase by ASSOCIATED FREIGHT LINES, 841 Folger Ave., Berkeley, CA 94710, of a portion of the operating rights of DOUDELL TRUCKING COMPANY, 547 Queen's Row, Post Office Box 842, San Jose, CA 95106, and for acquisition

by JOHN A. PIFER, also of Berkeley, Calif. 94710, of control of such rights through the purchase. Applicant's attorneys: Marvin Handler, 405 Montgomery St., Suite 1400, San Francisco, CA 94104, and Donald E. Cross, 917 Munsey Building, Washington, DC 20004. Operating rights sought to be transferred: *General commodities,* except commodities in bulk, used household goods as described in 17 M.C.C. 467, wood chips, wood shavings and boats, as a *common carrier* over regular routes, between Santa Monica, Calif., and the California-Arizona State line, serving all intermediate points, between Coachella, Calif., and El Centro, Calif., serving all intermediate points, between El Centro, Calif., and Winterhaven, Calif., serving all intermediate points, between junction Interstate Highway 10 and California Highway 111, near White Water, Calif., and Calexico, Calif., serving all intermediate points, between El Centro, Calif., and a point 20 miles west of El Centro on Interstate Highway 8, serving all intermediate points, between Brawley, Calif., and Glamis, Calif., serving all intermediate points, between Blythe, Calif., and Palo Verde, Calif., serving all intermediate points, serving off-route points on the routes specified as follows: (1) all points in Riverside County, Calif. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11603. Authority sought for purchase by W. L. MEAD, INC., Post Office Box 31, Norwalk, OH 44857, of the operating rights of NORTH FAIRFIELD TRANSFER CO., North Main Street, North Fairfield, Ohio 44855, and for acquisition by W. L. MEAD, also of Norwalk, Ohio 44857, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–96936 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Illinois, Indiana, Ohio, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–109265 (Sub-No. 24), is a directly related matter.

NOTICE

Soo Line Railroad Co., Room 800, Soo Line Building, Minneapolis, MN 55440, hereby gives notice that on the 21st day of June, 1972, it filed with the Interstate Commerce Commission at Washington, D.C. in Finance Docket No. 27131 an application for authority to continue to lease, on modified terms, the properties of Central Terminal Railway Co., consisting of a freight terminal building and 5.61 miles of yard switching and train trackage located in the city of Chicago, Cook County, Ill. Said properties have been leased or operated by the applicant or its predecessors for over 50 years as applicant's freight terminal facilities in the downtown area of Chicago pursuant to authority of the Commission. The properties will continue to be so used if the application is granted. Parts of the property are subleased to industry and others.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

Soo Line Railroad Co. is represented in the above matter by Robert G. Gehrz, its attorney, Room 804, Soo Line Building, Minneapolis, MN. 55440.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–11116 Filed 7–18–72;8:52 am]

[Notice 98]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 14, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107010 (Sub-No. 44 TA), filed July 3, 1972. Applicant: BULK CARRIERS, INC., Box 423, Auburn, NE 68305. Applicant's representative: David R. Parker, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt,* restricted to traffic in bulk, from the Kansas City, Kans., Commercial Zone, to points in Missouri, for 150 days. Supporting shipper: Union Asphalts & Roadoils, Inc., 612 West 47th Street, Kansas City, MO 64112. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 116645 (Sub-No. 14 TA), filed July 3, 1972. Applicant: DAVIS TRANSPORT CO., Post Office Box 56, Gilcrest, CO 80623. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements,* in bulk, in tank vehicles, from points in Weld County (except Lucerne, Colo.), to points in Kansas, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming, for 180 days. Supporting shipper: Loomix, Inc., 415 East Branch Street, Arroya Grande, CA 93420. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 117815 (Sub-No. 197 TA), filed July 3, 1972. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery and food business houses, from the storage facilities of the R. T. French Co. at or near Springfield, Mo., to points in Kansas, Nebraska, Iowa, Minnesota, Illinois, and Wisconsin, for 180 days. Supporting shipper: The R. T. French Co., 1 Mustard Street, Rochester, NY 14609. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 123392 (Sub-No. 40 TA), filed June 30, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride,* in bulk, from Deer Park, Tex., to Tulsa, Okla., for 180 days. Supporting shipper: S. F. Burke, Manager, Traffic Services, Air Products and Chemicals, Inc., Post Office Box 538, Allentown, PA 18105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 123695 (Sub-No. 4 TA), filed July 3, 1972. Applicant: BRIGGS TRANS., INC., 1 Brownstone Avenue, Portland, CT 06480. Applicant's representative: John E. Fay, 342 North Main

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Street, West Hartford, CT. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils, greases, waxes, and antifreeze preparations*, in packages and containers and the *return of empty containers*, between points in Massachusetts and Connecticut, on the one hand, and points in Connecticut, and Massachusetts, and New York, on the other, having a prior movement by rail in piggy-back service, for 180 days. Supporting shipper: Cities Service Oil Co., Post Office Box 300, Tulsa, Ok. 74102. Send protests to: District Supervisor Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 133796 (Sub-No. 10 TA), filed July 3, 1972. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Notions and novelties*, from points in Kings County, Wash., and Los Angeles, Calif., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of notions and novelties on return, for 180 days. Supporting shipper: Ace Novelty Co., Inc., 631 Western Avenue, Seattle, WA 98104. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133977 (Sub-No. 11 TA), filed June 22, 1972. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, OH 45315. Applicant's representative: Gene Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Egg cartons*, from the plantsite of the Huntsman Container Corp., at Troy, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Pennsylvania, Texas, West Virginia, and Wisconsin; and (2) *returned, rejected or damaged shipments of egg cartons*, from the destination States named above to the plantsite of the Huntsman Container Corp. at Troy, Ohio, for 180 days. Supporting shipper: Huntsman Container Corp., 1261 Brukner Drive, Post Office Box 639, Troy, OH 45373. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 134238 (Sub-No. 4 TA), filed June 26, 1972. Applicant: GENE'S INC., 10115 Brookville Salem Road, Clayton, OH 45315. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificate* 61 M.C.C. 209; and *imitation dairy products* (melerin); and *cottage cheese, yogurt, ice cream, ice cream products, sherbets, water ices, and water ice products*, in containers, from the plantsite, warehouse and storage facilities of Kroger Co., Indianapolis, Ind., to points in Alabama, Little Rock, Ark., and its commercial zone; Atlanta, Ga., and its commercial zone; Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Houston, Dallas, and Forth Worth, Tex., and their commercial zones; Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with The Kroger Co., in refrigerated equipment, for 180 days. Supporting shipper: The Kroger Co., 1240 State Avenue, Cincinnati, OH 45204. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 135341 (Sub-No. 2 TA) filed June 30, 1972. Applicant: MAGOG EXPRESS, INC., Route 2, Post Office Box 265, Magog (Stanstead Co.), PQ, Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bags, from Canaan, Conn., and Florence, Vt., to ports of entry on the international boundary line, between the United States and Canada at or near Norton, Derby Line, Richford, and Highgate Springs, Vt. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Armstrong Cork Canada Ltd. of Montreal, Quebec, Canada, for 180 days. Supporting shipper: Armstrong Cork Canada Ltd., 6911 Decarie Boulevard, Post Office Box 919, Montreal 101, PQ, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 135702 (Sub-No. 2 TA), filed July 5, 1972. Applicant: CHARLES R. ELLSWORTH TRUCKING, INC., Post Office Box 385, Stroud, OK 74079. Applicant's representative: Charles R. Ellsworth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *roofing materials*, from Stroud, Okla., to points in Kansas, for 180 days. Supporting shipper: Glen Bateman, traffic manager, Allied Materials Corp., Allied Building, 5101 North Pennsylvania, Post Office Box 12340, Oklahoma City, OK 73112. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136445 (Sub-No. 1 TA) filed June 29, 1972. Applicant: ZENITH TRANSPORT LTD., 2040 Alpha Avenue, Burnaby 2, BC, Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and fresh fruits and vegetables*, otherwise exempt when moving with *frozen foods*, from points in Oregon, Washington, and California to the United States-Canada boundary line at or near Blaine, Wash., restricted to traffic moving to warehouse, storage or customer facilities of S. H. Blackwell Co., Ltd., for 180 days. Supporting shipper: S. H. Blackwell Co., Ltd., 327 North 6 Road, Richmond, BC, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 136610 (Sub-No. 1 TA) filed June 29, 1972. Applicant: GILBERT CLOTFELTER, doing business as BEST-WAY MOVING & STORAGE COMPANY, 1915 North National Street, Springfield, MO 65803. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except commodities in bulk, dangerous explosives, commodities requiring special equipment, and commodities injurious or contaminating to other lading, originating at the facilities of Montgomery Ward & Co., Inc., in Joplin, Mo., to (a) points in Benton and Carroll Counties, Ark.; (b) Allen, Bourbon, Cherokee, Crawford, Labette, Montgomery, Neosho, and Wilson Counties, Kans., and (c) Craig, Delaware, Mayes, Nowata, Ottawa, and Rogers Counties, Okla.; and (2) on return movements, *damaged merchandise, trade-in merchandise and/or rejected shipments*, from the destination counties named in (1) above to the facilities of Montgomery Ward & Co., Inc., in Joplin, Mo., all of the transportation proposed in (1) and (2) above to be performed under a contract with Montgomery Ward & Co., Inc., for 180 days. Supporting shipper: Montgomery Ward & Co., 208 Northpark Mall, Joplin, MO 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136812 (Sub-No. 1 TA), filed July 3, 1972. Applicant: CLEON CARDER, Post Office Box 1395, Dodge City, KS 67801. Applicant's representative. Mangan, Dalton & Trenkle, 208 West Spruce, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides of livestock*, the byproduct of livestock packing, butchering, processing, and packing plants, from

points in Kansas to points in Texas, for 180 days. Supporting shippers: A. J. Hollander & Co., Inc., 1 Liberty Street, New York, NY 10005; Garden By-Products, Inc., Post Office Box 557, Garden City, KS 67846. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 502 Petroleum Building, Wichita, Kans. 67202.

No. MC 136820 (Sub-No. 1 TA), filed June 30, 1972. Applicant: Edward R. Wolfe, 6725 Doncaster Drive, Gladstone, OR 97027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale rock*, from points in Washington County, Oreg., to points in Washington State. for 180 days. Supporting shipper: Empire Building Material Co., 9255 Northeast Halsey, Post Office Box 20086, Portland, OR 97220. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136853 TA, filed June 30, 1972. Applicant: VAN AUTO LEASING, INC., 111 Jericho Turnpike, Syosset, N.Y. 11791. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radios, radio receiving sets, phonographs, tape or wire recorders or players, television receiving sets, transceivers, hi-fi units, combinations and parts thereof; cathode ray tubes, radio tuners, amplifiers, or speakers, television or radio aerial antennas, towers, or masts or parts of the aforementioned commodities, tools, supplies, and accessories*, between the plantsites and facilities of Lafayette Electronics International, Inc., located at Syosset and Hauppauge, Long Island, N.Y., on the one hand, and, on the other, Avon, Bridgeport, Cambridge, Hamden, Manchester, New Britain, New Haven, New Milford, Stamford, and West Hartford, Conn.; Atlanta, Buckhead, Columbus, and Decatur, Ga.; Arlington Heights, Chicago, Evanston, Lincoln, Morton Grove, Prospect Heights, and Rockford, Ill.; Huntington, Indianapolis, and Waterford, Ind.; Bethesda, Bladensburg, Catonsville, Glen Burnie, Mount Rainier, Rockville, and Towson, Md.; Attleboro, Boston, Boyleston, Lowell, Natick, Newton, Saugus, West Roxbury and Worcester, Mass.; Bridgeton, Jennings, Kansas City. and St. Louis, Mo.; Carlstadt, Englewood, East Brunswick, Jersey City, Newark, Paramus, Plainfield, Totowa, and Trenton, N.J.; Alliance, Bedford, Cleveland, Clinton, Columbus, Dayton, Kettering, Mentor, North Olmstead, Parma, Toledo, and Warrensville, Ohio; Bridgeville, Collier, Easton, King of Prussia, Milford, Lancaster, Monroeville, Philadelphia, Pittsburgh, Simpson, and Wyncote, Pa.; Milwaukee and Racine, Wis.; Alta Vista and Falls Church, Va., for 180 days. Supporting shipper: Lafayette Radio Electronics Corp., Post Office Box B, Syosset, Long Island, N.Y. 11791. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136854 TA, filed June 29, 1972. Applicant: BRITISH PACIFIC TRANSPORT LTD., 2636 Douglas Road, Burnaby 2, British Columbia, Canada. Applicant's representative: R. Reid (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Washington and Oregon on and west of U.S. Highway 97, on the one hand, and points of entry at Blaine and Sumas, Wash., on the other, for 180 days. Supporting shipper: M. D. Tuck Lumber Co., Ltd., 355 Mulgrave Place, West Vancouver, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11118 Filed 7-18-72;8:52 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 14, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New Mexico Docket No. 4027, filed June 22, 1972. Applicant: CHANCE CORPORATION, Post Office Box 649, Window Rock, AZ 86515. Applicant's representative: Lynn Mitton, Box 10 Window Rock, AZ 86515. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except commodities in bulk and uncrated household goods between points and places within McKinley, San Juan and Valencia Counties and between points and places within said counties the points of Toas, Albuquerque, Santa Fe, the Jicarilla Apache Reservation, the Jamez Pueblos Reservation and Magdalena, N. Mex.; over irregular routes under nonscheduled service. The above authority is also sought in interstate commerce pursuant to Section 206(a)(6) of the Interstate Commerce Act. Both intrastate and interstate authority sought. Written notice of intent to protest this application must reach the Office of the State Corporation Commission, Motor Carrier Division, Post Office Drawer 1269, Santa Fe, N. Mex. 87501, at least 5 days prior to the hearing date. Copy of such protest shall also be mailed to the applicant's representative.

HEARING: To be held by the New Mexico State Corporation Commission, Tuesday, August 22, 1972, at 10 a.m. at the McKinley County Courthouse, Gallup, N. Mex. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of New Mexico, State Corporation Commission, Post Office Drawer 1269, Santa Fe, N. Mex. 87501 and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 30537, filed June 29, 1972. Applicant: ARGUS WAREHOUSE CO., an Oklahoma corporation, 6600 Melrose Lane, Post Office Box 74980, Oklahoma City, OK 73107. Applicant's representative: William L. Peterson, Jr., 401 North Hudson, Post Office Box 917, Oklahoma City, OK 73101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those of unusual value, clases A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment, between all points within a radius of 25 miles of the U.S. Federal Building, Oklahoma City, Okla. Both intrastate and interstate authority sought.

HEARING: July 31, 1972, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

California Docket No. 53210 filed March 20, 1972. Applicant: STERLING TRANSIT COMPANY, INC., 833 South Maple Avenue, Montebello, CA 90640. Applicant's representative: Charles R. Hart, Jr., 6055 East Washington Boulevard, Suite 1020, Los Angeles, CA 90040. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*. Appendix A (I) Between all points and places in the following territories. (1) San Francisco territory as defined in Note A below; (2) Los Angeles Basin territory as defined in Note B below; (3) San Diego territory as defined in Note C below. (II) Between the above listed territories and Sacramento, via any and all highways including the right to serve all points and places on and along and within 10 miles laterally of the following routes: (1) State Highway 99 and Interstate Highway 5 between Los Angeles and Sacramento; (2) Interstate Highway 5 between Los Angeles and California-Mexico boundary line;

(3) Junction State Highways 65 and 99; thence north to junction of State Highways 65 and 198; thence easterly along State Highway 198 to junction with State Highway 69; thence northerly along State Highway 69 to junction with State Highway 180; thence westerly along State Highway 180 to junction with State Highway 63; thence southerly along State Highway 63 to junction with State Highway 198; westerly along State Highway 198 to junction with State Highway 99; (4) Interstate Highway 80 between San Francisco and Sacramento; (5) San Francisco to Oakland via Interstate Highway 80; thence over State Highway 24 to Walnut Creek; thence over State Highway 21 to junction State Highway 4; thence over State Highway 4 to junction State Highway 160 (near Oakley); thence over State Highway 160 to Sacramento.

(6) From San Francisco via Interstate Highway 80 to junction with State Highway 4; thence State Highway 4 to junction with State Highway 99; thence State Highway 99 to Sacramento; (7) Interstate Highways 580, 205, and 5 between San Francisco and Sacramento; (8) State Highways 41 and 198 between the Lemoore Naval Air Station and the junction of said highways with State Highway 99; (9) U.S. Highway 395 and Interstate Highway 15 between San Diego and San Bernardino. (III) Between the Los Angeles Basin Territory and the San Diego Territory herein defined, on the one hand, and El Centro and points within 25 miles of El Centro, on the other hand, via Interstate Highways 8 and 10 and State Highway 86. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff 4–B; (2) Automobiles, trucks, and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit and (7) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment.

NOTE A—San Francisco Territory: San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County line meets the Pacific Ocean; thence easterly along said county line to a point 1 mile west of State Highway 82; southerly along an imaginary line 1 mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spurline extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard), via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and MacArthur Boulevard, to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Highway 13); northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly, and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B—Los Angeles Basin territory: Los Angeles Basin territory includes that area embraced by the following boundary: Beginning at the point of the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately 2 miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary of the city of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the Atchison, Topeko & Santa Fe right-of-way southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

Note C—San Diego Territory: San Diego Territory includes that area embraced by the following boundary and includes the external boundaries of any point which a portion falls within: Beginning at the point where an imaginary line intersects the Pacific Ocean from the northerly junction of Interstate Highway 5 and U.S. Highway 101 (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona highway; thence southerly to Bostonia on Interstate Highway 8; thence southeasterly to Jamul on State Highway 94; thence due south to the International boundary line, west to the Pacific Ocean and north along the coast to point of beginning. (B) Between all points and places in the following

territories: (1) San Francisco Territory as described in Item 270–3 of California Minimum Rate Tariff No. 2; (2) Los Angeles Basin Territory as described in Item 270 of California Minimum Rate Tariff No. 2; (3) San Diego Territory as described in Note 1. (C) Between the above-listed Territories and Sacramento, via any and all highways including the right to serve all points and places on and along and within 10 miles laterally of the following routes: (1) U.S. Highway No. 99 and Interstate Highway No. 5 between Los Angeles and Sacramento; (2) Interstate Highway No. 5 between Los Angeles and the international boundary line; (3) junction State Highway No. 65 with U.S. Highway No. 99; north to junction State Highway No. 65 and State Highway No. 198; easterly along State Highway No. 198 to junction with State Highway No. 69; northerly along State Highway No. 69 to junction State Highway No. 63; westerly and southerly via State Highway No. 63 to Visalia; thence westerly along State Highway No. 198 to junction with U.S. Highway No. 99; (4) U.S. Highways Nos. 40 and 50 and State Highways Nos. 24 and 4 between San Francisco and Sacramento; (5) State Highways Nos. 41 and 198 between the Lemoore Naval Air Station and the junction of said highways with U.S. Highway No. 99, and (6) U.S. Highway No. 395 and Interstate Highway No. 15 between San Diego and San Bernardino.

(D) Between the Los Angeles Basin territory and the San Diego territory herein described, on the one hand, and El Centro, and points within 25 miles of El Centro, on the other hand, via U.S. Highways Nos. 80, 60, and 99. NOTE 1: San Diego territory includes that area embraced by the following boundary and includes the external boundaries of any point which a portion falls within: Beginning at the point where an imaginary line intersects the Pacific Ocean from the northerly junction of U.S. Highways 101–E and 101–W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the international boundary line, west to the Pacific Ocean and north along the coast to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, California State Building, 350 McAllister Street, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11113 Filed 7-18-72;8:52 am]

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WEDNESDAY, JULY 19, 1972
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Volume 37 ■ Number 139

PART II

DEPARTMENT OF THE INTERIOR

Bureau of Mines

■

METAL AND NONMETALLIC OPEN PIT MINES, SAND, GRAVEL, AND CRUSHED STONE OPERATIONS, AND UNDERGROUND MINES

Health and Safety Standards

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

METAL AND NONMETALLIC OPEN PIT MINES, SAND, GRAVEL, AND CRUSHED STONE OPERATIONS, AND UNDERGROUND MINES

Storage of Explosives; Health and Safety Standards

On Friday, December 17, 1971, there was published in the FEDERAL REGISTER (36 F.R. 24040 and 24041) a notice of proposed rule making pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (Public Law 89-577) to promulgate health and safety standards for metal and nonmetallic mines to amend Parts 55, 56, and 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations by adding the definition of "powder chest" and two new standards.

The notice stated that the Act charges the Secretary with the responsibility for developing and promulgating health and safety standards, including standards for the safe storage, transportation, and use of explosive materials in metal and nonmetallic mines and mills subject to the Act. Further, title XI (Regulation of Explosives) of the Organized Crime Control Act of 1970 (Public Law 91-452) charges the Secretary of the Treasury with, among other things, the responsibility for (1) the issuance of licenses to persons engaged in the business of importing, manufacturing, and dealing in explosive materials; (2) the issuance of permits to persons who rely on interstate commerce to acquire explosive materials; (3) establishment of standards for the storage of explosive materials; and (4) inspection of storage facilities of licensees and permittees.

The notice indicated that in the interest of economy and efficiency and in order to avoid unnecessary duplication of effort a "Memorandum of Understanding" was executed May 21, 1971, between the Department of the Interior and the Department of the Treasury which provides that:

> Effective June 1, 1971, the Bureau of Mines will perform on behalf of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service, inspections under the explosive materials standards prescribed in Part 181 of Title 26, Code of Federal Regulations, at all mines subject to the jurisdiction of the Bureau of Mines; and the Bureau of Mines and the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service will cooperate in the development of uniform standards for storage of explosive materials and, will, to the greatest extent possible, maintain liaison and cooperation with each other in regard to their respective responsibilities under the Federal mine safety programs and under title XI of the (Organized Crime Control) Act.

Each of the standards contained in the notice which was designated as a mandatory standard had been recommended by the Metal and Nonmetallic Mine Safety Advisory Committee appointed by the Secretary of the Interior pursuant to section 7 of the Federal Metal and Nonmetallic Mine Safety Act. Under the provisions of subsection (e) of section 6 of the Act, proposed standards which have been recommended by the Advisory Committee are not subject to hearings.

Interested persons were afforded a period of 45 days from the date of publication of the proposed amendments in which to submit written data, views, or arguments. All of the data, views, or arguments received were given careful consideration by the Secretary of the Interior through a review panel appointed by the Assistant Secretary—Mineral Resources. After a careful analysis of each comment received, the review panel prepared recommendations to the Assistant Secretary—Mineral Resources on each of the proposed health and safety standards contained in the notice of proposed rule making, and these recommendations have been accepted by a majority of the Advisory Committee.

In accordance with the "Memorandum of Understanding" and after the comments were received, the Department of the Interior consulted with the Department of the Treasury with a view toward developing uniform standards.

The following changes have been made:

A. The proposed definition of "powder chest" in standards §§ 55.2, 56.2, and 57.2 has been revised by adding "other than blasting agents" because blasting agents may be safely contained at blasting sites in appropriate metal equipment;

B. Proposed standards §§ 55.6-11, 56.6-11, and 57.6-11 providing for "only explosion-proof fixtures and wiring in rigid conduit shall be used inside magazines that are illuminated electrically" and that all "electric switches shall be outside the magazines" will not be published until the Treasury Department proposes and publishes a similar standard; and,

C. Proposed paragraphs (d) of standards §§ 55.6-159, 56.6-159, and 57.6-159 have been revised by adding "unless the powder chest is located within the area continually attended by employees during shift changes" since the interest of safety is better served when explosives remain in a powder chest in an attended area between shifts rather than being transported to and from a magazine at the end of each shift.

Parts 55, 56, and 57 of Chapter I of Title 30 of the Code of Federal Regulations are amended as set forth below.

Effective date. The amendments shall become effective 45 days after the date of publication in the FEDERAL REGISTER.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

JULY 14, 1972.

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Part 55, Title 30, Code of Federal Regulations is amended as follows:

1. A new definition "Powder Chest" is added to read as follows:

§ 55.2 Definitions.

* * * * *

"Powder chest" means a substantial, nonconductive portable container equipped with a lid and used at blasting sites for explosives other than blasting agents.

* * * * *

2. New standard 55.6-159 is added to read as follows:

55.6-159 *Mandatory.* Powder chests shall be:

(a) Substantially constructed of nonsparking material on the inside.
(b) Posted with suitable warning signs.
(c) Located out of the blast area and out of the line of blasts.
(d) Emptied and their contents returned to the main magazine at the end of each shift unless the powder chest is located within the area continually attended by employees during shift changes.
(e) Separate for detonators and explosives unless separated by 4 inches of hard wood or the equivalent.
(f) Kept locked when unattended.

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Part 56, Title 30, Code of Federal Regulations is amended as follows:

1. A new definition "Powder Chest" is added to read as follows:

§ 56.2 Definitions.

* * * * *

"Powder chest" means a substantial, nonconductive portable container equipped with a lid and used at blasting sites for explosives other than blasting agents.

* * * * *

2. New standard 56.6-159 is added to read as follows:

56.6-159 *Mandatory.* Power chests shall be:

(a) Substantially constructed of nonsparking material on the inside.
(b) Posted with suitable warning signs.
(c) Located out of the blast area and out of the line of blasts.
(d) Emptied and their contents returned to the main magazine at the end of each shift unless the powder chest is located within the area continually attended by employees during shift changes.
(e) Separate for detonators and explosives unless separated by 4 inches of hard wood or the equivalent.
(f) Kept locked when unattended.

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Part 57, Title 30, Code of Federal Regulations is amended as follows:

1. A new definition "Powder Chest" is added to read as follows:

§ 57.2 Definitions.

* * * * *

"Powder chest" means a substantial, nonconductive portable container equipped with a lid and used at blasting sites for explosives other than blasting agents.

* * * * *

2. New standard 57.6–159 is added to read as follows:

§ 57.6–159 *Mandatory.* Powder chests shall be:

(a) Substantially constructed of nonsparking material on the inside.

(b) Posted with suitable warning signs.

(c) Located out of the blast area and out of the line of blasts.

(d) Emptied and their contents returned to the main magazine at the end of each shift unless the powder chest is located within the area continuallly attended by employees during shift changes.

(e) Separate for detonators and explosives unless separated by 4 inches of hard wood or the equivalent.

(f) Kept locked when unattended.

[FR Doc.72–11097 Filed 7–17–72;8:51 am]

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Miscellaneous Amendments

On Friday, December 17, 1971, there was published in the FEDERAL REGISTER (36 F.R. 24041–24042) a notice of proposed rulemaking pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740) to promulgate health and safety standards for metal and nonmetallic mines to amend Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by adding certain standards and by revising and revoking certain standards currently in force. Each of the standards contained in the notice which was designated as a mandatory standard had been recommended by the Metal and Nonmetallic Mine Safety Advisory Committee appointed by the Secretary of the Interior pursuant to section 7 of the Act (30 U.S.C. 726).

Under the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended by the Advisory Committee are not subject to hearings.

Interested persons were afforded a period of 45 days from the date of publication of the proposed amendments in which to submit written data, views, or arguments. All of the data, views, or arguments received were given careful consideration by the Secretary of the Interior through a Review Panel appointed by the Assistant Secretary, Mineral Resources. After a careful analysis of each comment received, the Review Panel prepared recommendations to the Assistant Secretary, Mineral Resources on each of the proposed health and safety standards contained in the notice of proposed rulemaking, and these recommendations have been accepted by a majority of the Advisory Committee. These changes are as follows:

A. Proposed standards 55.6–21, 55.6–197 and 55.19–59 have been referred back to the Advisory Committee for reconsideration;

B. The proposals to revoke standard 55.19–49 promulgated July 31, 1969 (34 F.R. 12503), prohibiting hoisting men in buckets except during the shaft-sinking operations, inspection, maintenance, and repairs, and to add two new standards 55.19–51 and 55.19–52 prohibiting the hoisting of men in "vertical" and "include" shafts, respectively, are rescinded and withdrawn and standard 55.19–49 shall remain in force and effect since the hazards of hoisting men in buckets in incline shafts are no less than in vertical shafts;

C. Proposed standard 55.4–29 has been revised by substituting the words "fire extinguishing equipment" for "fire extinguishers";

D. Proposed standard 55.6–170 has been revised by deleting the words "millisecond delays" since they are unneeded and are too inclusive. When an electric detonator is included in a borehole charge it is unsafe to attempt detonator removal, as may have been implied in the proposed standard; reshunting all such detonators restores the blast area to a condition no less safe than that obtained up to the time the electric circuits are to be deenergized so that electric detonators may be connected to the blasting circuits; and,

E. Proposed standard 55.6–200 has been revised by deleting the words "with suitable sides and tailgates" because blasting agents may be transported in certain bulk cargo vehicles for which the proposed requirement that vehicles be equipped "with suitable sides and tailgates" is not appropriate.

Part 55 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below.

Effective dates. It has been determined that various new standards, and amendments, revisions, or revocations of standards may properly be made effective upon the date of publication in the FEDERAL REGISTER. On the other hand, a delayed effective date should be established for other standards, and amendments or revisions of standards in order to give operators an opportunity to adjust their operations to meet new requirements. The effective dates of new standards, and of amendments, revisions, and revocations of standards are set forth below.

1. The following new standards shall become effective 45 days after the date of publication in the FEDERAL REGISTER: Standards 55.6–133, 55.6–134, 55.6–135, 55.6–136, 55.6–137, 55.6–198, 55.6–200, 55.19–53, and 55.19–54.

2. The amendments and revisions of the standards set forth below shall become effective 45 days after the date of publication in the FEDERAL REGISTER. However, during such period of 45 days an operator who has been found to be in violation of a standard now in force may comply with such standard as required prior to the effective date of its amendment or revision, or such operator may comply with the standard in the manner in which the standard is to be amended and revised and shall then be considered to be in compliance and to have abated the violation. On and after the effective date of the amendment or revision operators will be required to comply with the standard as amended and revised. The standards which have been amended and revised and to which this option applies are as follows: Standards 55.4–18, 55.6–56, 55.6–116, 55.9–15, 55.13–21, and 55.19–50.

3. New standards and the amendments and revisions of standards set forth below shall become effective upon the date of publication in the FEDERAL REGISTER (7–19–72): Standards 55.4–21, 55.4–29, 55.6–94, 55.6–170, 55.9–33, 55.9–81, 55.11–9, 55.12–71, and 55.12–47.

4. The following standards, promulgated February 25, 1970, are revoked, effective on the date of publication in the FEDERAL REGISTER (7–19–72): Standards 55.4–28, 55.9–26, 55.12–9, 55.12–43, and 55.19–64.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

JULY 14, 1972.

Part 55, Title 30, Code of Federal Regulations is amended and revised as follows:

1. Standard 55.4–18, promulgated February 25, 1970 (35 F.R. 3660), is revised to read as follows:

55.4–18 *Mandatory.* Oxygen cylinders shall not be stored in rooms or areas used or designated for oil or grease storage.

2. Standard 55.4–21, promulgated February 25, 1970 (35 F.R. 3660), is revised to read as follows:

55.4–21 *Mandatory.* Equipment powered by internal combustion engines (except diesel engines), where the fuel tank is an integral part of the equipment, shall be shut off and stopped before being fueled.

3. Standard 55.4–28, promulgated February 25, 1970 (35 F.R. 3660), is revoked.

4. Standard 55.4–29, promulgated July 31, 1969 (34 F.R. 12503), is revised to read as follows:

55.4–29 *Mandatory.* When welding or cutting, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire. Fire extinguishing equipment shall be immediately available at the site.

5. Standard 55.6–56, promulgated December 8, 1970 (35 F.R. 18587), is revised to read as follows:

55.6–56 *Mandatory.* Substantial nonconductive containers shall be used to carry explosives to blasting sites.

6. New standard 55.6–94 is added to read as follows:

55.6–95 *Mandatory.* Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion of charging to the time of blasting exceed 72 hours unless prior approval has been obtained from the Bureau of Mines.

7. Standard 55.6–116, promulgated February 25, 1970 (35 F.R. 3660), is revised to read as follows:

55.6–116 *Mandatory.* Fuse shall be ignited with hot-wire lighters, lead spitters, igniter cord, or other such devices designed for this purpose. Carbide lights shall not be used to light fuses.

8. New standards 55.6–133, 55.6–134, 55.6–135, 55.6–136, and 55.6–137 are added to read as follows:

55.6–133 *Mandatory.* If any part of a blast is connected in parallel and is to be initiated from power lines or lighting circuits, the time of current flow shall be limited to a maximum of 25 milliseconds by incorporating an arcing control device in the blasting circuit or by interrupting the circuit with an explosive charge attached to one or both lead lines and initiated by a zero-delay electric blasting cap.

55.6–134 *Mandatory.* Tools used for opening metal or nailed wooden containers of explosives or detonators shall be of nonsparking materials.

55.6–135 *Mandatory.* Holes shall not be collared in bootlegs.

55.6–136 Black blasting powder should not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

55.6–137 *Mandatory.* In the use of black blasting powder:

(a) Containers shall not be opened in, or within 50 feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within 50 feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by: (1) Washing the stemming and powder charge from the borehole, and (2) removal and disposal of the initiator as a damaged explosive.

(g) Boreholes of shots that fire but fail to break, or fail to break properly, shall not be recharged for at least 12 hours.

9. Standard 55.6–170, promulgated February 25, 1970 (35 F.R. 3660), is revised to read as follows:

55.6–170 *Mandatory.* Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before electric detonators are connected to the blasting circuit; the power shall not be turned on until after the shots are fired or the blast is deactivated by removing or shunting each electric detonator.

10. New standard 55.6–198 is added to read as follows:

55.6–198 *Mandatory.* Plastic tubes shall not be used as hole liners if blasting agents are loaded pneumatically into holes containing an electric detonator.

11. New standard 55.6–200 is added to read as follows:

55.6–200 *Mandatory.* Vehicles used to transport blasting agents shall have substantially constructed bodies, no zinc or copper exposed in the cargo space and shall be freely vented. Blasting agents shall not be piled higher than the side or end enclosures of open-body vehicles. If an enclosed screw conveyor is used to discharge blasting agents from the vehicle the conveyor shall be protected against excessive internal pressure and excessive frictional heat.

12. Standard 55.9–15, promulgated February 25, 1970 (35 F.R. 3660), is revised to read as follows:

55.9–15 *Mandatory.* Unless the operator is otherwise protected, slushers in excess of 10 horsepower shall be provided with backlash guards. All slushers shall be equipped with rollers, and drum covers, and anchored securely before slushing operations are started.

13. Standard 55.9–26, promulgated February 25, 1970 (35 F.R. 3660), is revoked.

14. New standard 55.9–33 is added to read as follows:

55.9–33 *Mandatory.* Men shall not ride in dippers, shovel buckets, forks, clamshells, or in the beds of ore haulage trucks for the purpose of transportation.

15. Standard 55.9–81, promulgated February 25, 1970 (35 F.R. 3660, is revised to read as follows:

55.9–81 Trucks, shuttlecars, and front-end loaders should be equipped with emergency brakes separate and independent of the regular braking system when generally available for a particular class of equipment.

16. Standard 55.11–9, promulgated July 31, 1969 (34 F.R. 12503), is revised to read as follows:

55.11–9 *Mandatory.* Walkways with outboard railings shall be provided wherever persons are required to walk alongside elevated conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

17. Standard 55.12–9, promulgated February 25, 1970 (35 F.R. 3660), is revoked.

18. Standard 55.12–43, promulgated February 25, 1970 (35 F.R. 3660), is revoked.

19. Standard 55.12–46, promulgated February 25, 1970 (35 F.R. 3660), is renumbered 55.12–71, and revised to read as follows:

55.12–71 *Mandatory.* When equipment must be moved or operated near energized high-voltage powerlines (other than trolley lines) and the clearance is less than 10 feet, the lines shall be deenergized or other precautionary measures shall be taken.

20. Standard 55.12–47, promulgated February 25, 1970 (35 F.R. 3660), is revised to read as follows:

55.12–47 *Mandatory.* Guy wires of poles supporting high-voltage transmission lines shall meet the requirements for grounding or insulator protection of the National Electrical Safety Code, Part 2, entitled "Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines," (also referred to as National Bureau of Standards Handbook 81, Nov. 1, 1961) and Supplement 2 thereof issued March 1968, which are hereby incorporated by reference and made a part hereof. These publications and documents may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Bureau of Mines.

21. Standard 55.13–21, promulgated February 25, 1970 (35 F.R. 3660), is revised to read as follows:

55.13–21 *Mandatory.* Except where automatic shutoff valves are used, safety chains or other suitable locking devices shall be used at connections to machines of high-pressure hose lines of ¾-inch inside diameter or larger, and between high-pressure hose lines of ¾-inch inside diameter or larger, where a connection failure would create a hazard.

22. Standard 55.19–50, promulgated July 31, 1969 (34 F.R. 12503), is revised to read as follows:

55.19–50 *Mandatory.* Buckets used to hoist men during vertical shaft sinking operations shall have:

(a) A crosshead the height of which is at least 1½ times its width if used on wooden guides or a minimum height of 4 feet if used on rope or steel guides.

(b) Overhead protection when the shaft depth exceeds 50 feet.

(c) Sufficient depth or a suitably designed platform to transport men safely in a standing position.

(d) Devices to prevent accidental dumping where the bucket is supported by a bail attached to its lower half.

23. New standards 55.19–53 and 55.19–54 are added to read as follows:

55.19–53 *Mandatory.* In shaft sinking where a platform is suspended by wire ropes, such ropes shall have an approved rating for the suspended load.

55.19–54 *Mandatory.* Where rope guides are used in shafts they shall be of locked coil construction.

24. Standard 55.19–64, promulgated February 25, 1970 (35 F.R. 3660), is revoked.

[FR Doc.72–11096 Filed 7–17–72;8:51 am]

PART 56—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Miscellaneous Amendments

On Friday, December 17, 1971, there was published in the FEDERAL REGISTER (36 F.R. 24042–24044) a notice of proposed rulemaking pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740) to promulgate health and safety standards for metal and nonmetallic mines to amend Part 56, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by adding certain standards and by revising and revoking certain standards currently in force. Each of the standards contained in the notice which was designated as a mandatory standard had been recommended by the Metal and Nonmetallic Mine Safety Advisory Committee appointed by the

Secretary of the Interior pursuant to section 7 of the Act (30 U.S.C. 726).

Under the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended by the Advisory Committee are not subject to hearings.

Interested persons were afforded a period of 45 days from the date of publication of the proposed amendments in which to submit written data, views, or arguments. All of the data, views, or arguments received were given careful consideration by the Secretary of the Interior through a review panel appointed by the Assistant Secretary, Mineral Resources. After a careful analysis of each comment received, the review panel prepared recommendations to the Assistant Secretary, Mineral Resources on each of the proposed health and safety standards contained in the notice of proposed rulemaking, and these recommendations have been accepted by a majority of the Advisory Committee. These changes are as follows:

A. Proposed standards 56.6–21, 56.6–197 and 56.19–59 have been referred back to the Advisory Committee for reconsideration;

B. The proposals to revoke standards 56.19–49, promulgated July 31, 1969 (34 F.R. 12503), prohibiting hoisting men in buckets except during shaft sinking operations, inspections, maintenance, and repairs, and to add two new standards 56.19–51 and 56.19–52 prohibiting the hoisting of men in "vertical" and "incline" shafts, respectively, are rescinded and withdrawn and standard 56.19–49 shall remain in force and effect since the hazards of hoisting men in buckets in incline shafts are no less than in vertical shafts;

C. Proposed standard 56.4–29 has been revised by substituting the words "fire extinguishing equipment" for "fire extinguishers";

D. Proposed standard 56.6–170 has been revised by deleting the words "millisecond delays" since they are unneeded and are too inclusive. When an electric detonator is included in a borehole charge it is unsafe to attempt detonator removal, as may have been implied in the proposed standard; reshunting all such detonators restores the blast area to a condition no less safe than that obtained up to the time that the electric circuits are to be deenergized so that electric detonators may be connected to the blasting circuit; and

E. Proposed standard 56.6–200 has been revised by deleting the words "with suitable sides and tailgates" because blasting agents may be transported in certain bulk cargo vehicles for which the proposed requirement that vehicles be equipped "with suitable sides and tailgates" is not appropriate.

Part 56 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below.

Effective dates. It has been determined that various new standards, and amendments, revisions, or revocations of standards may properly be made effective upon the date of publication in the FEDERAL REGISTER. On the other hand, a delayed effective date should be established for other standards, and amendments or revisions of standards in order to give operators an opportunity to adjust their operations to meet new requirements. The effective dates of new standards, and of amendments, revisions, and revocations of standards are set forth below.

1. The following new standards shall become effective 45 days after the date of publication in the FEDERAL REGISTER: Standards 56.6–56, 56.6–133, 56.6–134, 56.6–135, 56.6–136, 56.6–137, 56.6–198, 56.6–200, 56.9–6, 56.9–7, 56.19–53, and 56.19–54.

2. The amendments and revisions of the standards set forth below shall become effective 45 days after the date of publication in the FEDERAL REGISTER. However, during such period of 45 days an operator who has been found to be in violation of a standard now in force may comply with such standard as required prior to the effective date of its amended or revision, or such operator may comply with the standard in the manner in which the standard is to be amended and revised and shall then be considered to be in compliance and to have abated the violation. On and after the effective date of the amendment or revision operators will be required to comply with the standard as amended and revised. The standards which have been amended and revised and to which this option applies are as follows: Standards 56.4–18, 56.6–116, 56.9–15, 56.13–21, and 56.19–50.

3. New standards and the amendments and revisions of standards set forth below shall become effective upon the date of publication in the FEDERAL REGISTER (7–19–72): Standards 56.4–21, 56.4–29, 56.6–105, 56.6–170, 56.9–33, 56.9–81, 56.11–9, 56.12–71, 56.12–47, and 56.14–33.

4. The following standards, promulgated February 25, 1970, are revoked, effective on the date of publication in the FEDERAL REGISTER (7–19–72): Standards 56.4–28, 56.9–26, 56.12–9, 56.12–43, and 56.19–64.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

JULY 14, 1972.

Part 56, Title 30, Code of Federal Regulations is amended and revised as follows:

1. Standard 56.4–18, promulgated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

56.4–18 *Mandatory.* Oxygen cylinders shall not be stored in rooms or areas used or designated for oil or grease storage.

2. Standard 56.4–21, promulgated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

56.4–21 *Mandatory.* Equipment powered by internal combustion engines (except diesel engines), where the fuel tank is an integral part of the equipment, shall be shut off and stopped before being fueled.

3. Standard 56.4–28, promulgated February 25, 1970 (35 F.R. 3665), is revoked.

4. Standard 56.4–29, promulgated July 31, 1969 (34 F.R. 12510), is revised to read as follows:

56.4–29 *Mandatory.* When welding or cutting, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire. Fire extinguishing equipment shall be immediately available at the site.

5. New standard 56.6–56 is added to read as follows:

56.6–56 *Mandatory.* Substantial nonconductive containers shall be used to carry explosives to blasting sites.

6. New standard 56.6–105 is added to read as follows:

56.6–105 *Mandatory.* When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

7. Standard 56.6–116, promulgated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

56.6–116 *Mandatory.* Fuse shall be ignited with hot-wire lighters, lead splitters, igniter cord, or other such devices designed for this purpose. Carbide lights shall not be used to light fuses.

8. New standards 56.6–133, 56.6–134, 56.6–135, 56.6–136, and 56.6–137 are added to read as follows:

56.6–133 *Mandatory.* If any part of a blast is connected in parallel and is to be initiated from powerlines or lighting circuits, the time of current flow shall be limited to a maximum of 25 milliseconds by incorporating an arcing control device in the blasting circuit or by interrupting the circuit with an explosive charge attached to one or both lead lines and initiated by a zero-delay electric blasting cap.

56.6–134 *Mandatory.* Tools used for opening metal or nailed wooden containers of explosives or detonators shall be of nonsparking materials.

56.6–135 *Mandatory.* Holes shall not be collared in bootlegs.

56.6–136 Black blasting powder should not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

56.6–137 *Mandatory.* In the use of black blasting powder:

(a) Containers shall not be opened in, or within 50 feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within 50 feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills or granular powder shall be cleaned up promptly with nonsparking equipment; contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by: (1) washing the stemming and powder charge from the borehole, and (2) removal and disposal of the initiator as a damaged explosive.

(g) Boreholes of shots that fire but fail to break or fail to break properly, shall not be recharged for at least 12 hours.

9. Standard 56.6–170, promulgated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

56.6–170 *Mandatory.* Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before electric detonators are connected to the blasting circuits; the power shall not be turned on until after the shots are fired or the blast is deactivated by rtmoving or shunting each electric detonator.

10. New standard 56.6–198 is added to read as follows:

56.6–198 *Mandatory.* Plastic tubes shall not be used as hole liners if blasting agents are loaded pneumatically into holes containing an electric detonator.

11. New standard 56.6–200 is added to read as follows:

56.6–200 *Mandatory.* Vehicles used to transport blasting agents shall have substantially constructed bodies, no zinc or copper exposed in the cargo space and shall be freely vented. Blasting agents shall not be piled higher than the side or end enclosures of open-body vehicles. If an enclosed screw conveyor is used to discharge blasting agents from the vehicle the conveyor shall be protected against excessive internal pressure and excessive frictional heat.

12. New standard 56.9–6 is added to read as follows:

56.9–6 *Mandatory.* When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visual warning system shall be installed and operated to warn persons that the conveyor will be started.

13. New standard 56.9–7 is added to read as follows:

56.9–7 *Mandatory.* Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

14. Standard 56.9–15, promugulated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

56.9–15 *Mandatory.* Unless the operator is otherwise protected, slushers in excess of 10 horsepower shall be provided with backlash guards. All slushers shall be equipped with rollers, and drum covers, and anchored securely before slushing operations are started.

15. Standard 56.9–26, promulgated February 25, 1970 (35 F.R. 3665), is revoked.

16. Standard 56.9–33, promulgated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

56.9–33 *Mandatory.* Men shall not ride in dippers, shovel buckets, forks, clamshells or in the beds of ore haulage trucks for the purpose of transportation.

17. Standard 56.9–81, promulgated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

5.69–81 Trucks, shuttlecars, and front-end loaders should be equipped with emergency brakes separate and independent of the regular braking system when generally available for a particular class of equipment.

18. Standard 56.11–9, promulgated July 31, 1969 (34 F.R. 12510), is revised to read as follows:

56.11–9 *Mandatory.* Walkways with outboard railings shall be provided wherever persons are required to walk alongside elevated conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

19. Standard 56.12–9, promulgated February 25, 1970 (35 F.R. 3665), is revoked.

20. Standard 56.12–43, promulgated February 25, 1970 (35 F.R. 3665), is revoked.

21. Standard 56.12–46, promulgated February 25, 1970 (35 F.R. 3665), is renumbered 56.12–71 and revised to read as follows:

56.12–71 *Mandatory.* When equipment must be moved or operated near energized high-voltage powerlines (other than trolley lines) and the clearance is less than 10 feet, the lines shall be deenergized or other precautionary measures shall be taken.

22. Standard 56.12–47, promulgated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

56.12–47 *Mandatory.* Guy wires of poles supporting high-voltage transmission lines shall meet the requirements for grounding or insulator protection of the National Electrical Safety Code, Part 2, entitled "Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines" (also referred to as National Bureau of Standards Handbook 81, November 1, 1961) and Supplement 2 thereof issued March 1968, which are hereby incorporated by reference and made a part hereof. These publications and documents may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Bureau of Mines.

23. Standard 56.13–21, promulgated February 25, 1970 (35 F.R. 3665), is revised to read as follows:

56.13–21 *Mandatory.* Except where automatic shutoff valves are used, safety chains or other suitable locking devices shall be used at connections to machines of high-pressure hose lines of ¾-inch inside diameter or larger, and between high-pressure hose lines of ¾-inch inside diameter or larger, where a connection failure would create a hazard.

24. New standard 56.14–33 is added to read as follows:

56.14–33 *Mandatory.* Pulleys of conveyors shall not be cleaned manually while the conveyor is in motion.

25. Standard 56.19–50, promulgated July 31, 1969 (34 F.R. 12510), is revised to read as follows:

56.19–50 *Mandatory.* Buckets used to hoist men during vertical shaft sinking operations shall have:

(a) A crosshead the height of which is at least 1½ times its width if used on wooden guides or a minimum height of 4 feet if used on rope or steel guides.

(b) Overhead protection when the shaft depth exceeds 50 feet.

(c) Sufficient depth or a suitably designed platform to transport men safely in a standing position.

(d) Devices to prevent accidental dumping where the bucket is supported by a bail attached to its lower half.

26. New standard 56.19–53 and 56.19–54 are added to read as follows:

56.19–53 *Mandatory.* In shaft sinking where a platform is suspended by wire ropes, such ropes shall have an improved rating for the suspended load.

56.19–54 *Mandatory.* Where rope guides are used in shafts they shall be of locked coil construction.

27. Standard 56.19–64, promulgated February 25, 1970 (35 F.R. 3665), is revoked.

[FR Doc.72–11098 Filed 7–17–72;8:51 am]

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Miscellaneous Amendments

On Friday, December 17, 1971, there was published in the FEDERAL REGISTER (36 F.R. 24044–24046) a notice of proposed rule making pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740) to promulgate health and safety standards for metal and nonmetallic mines to amend Part 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, by adding certain standards and by revising and revoking certain standards currently in force. Each of the standards contained in the notice which was designated as a mandatory standard had been recommended by the Metal and Nonmetallic Mine Safety Advisory Committee appointed by the Secretary of the Interior pursuant to section 7 of the Act (30 U.S.C. 726).

Under the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e)) proposed mandatory standards which have been recommended by the Advisory Committee are not subject to hearings.

Interested persons were afforded a period of 45 days from the date of publication of the proposed amendments in which to submit written data, views, or arguments. All of the data, views, or arguments received were given careful consideration by the Secretary of the Interior through a Review Panel appointed by the Assistant Secretary—Mineral Resources. After a careful analysis of each comment received, the Review Panel prepared recommendations to the Assistant Secretary—Mineral Resources on each of the proposed health and safety standards contained in the notice of proposed rule making, and these recommendations have been accepted by a majority of the Advisory Committee. These changes are as follows:

A. Proposed standards 57.19–59, 57.4–75 (and the corresponding proposal to renumber 57.4–34 to 57.4–47 and to be applied only to surface operations), 57.6–21, 57.6–25 and 57.11–50 have been referred back to the Advisory Committee for reconsideration;

B. The proposals to revoke standard 57.19–49, promulgated July 31, 1969 (34 F.R. 12503), prohibiting hoisting men in buckets except during shaft sinking operations, inspection, maintenance, and repairs, and to add two new standards 57.19–51 and 57.19–52 prohibiting the hoisting of men in "vertical" and "incline" shafts, respectively, are rescinded and withdrawn and standard 57.19–49 shall remain in force and effect since the hazards of hoisting men in buckets in incline shafts are no less than in vertical shafts;

C. Proposed standard 57.4–29 has been revised by substituting the words "fire extinguishing equipment" for "fire extinguishers";

D. Proposed standard 57.6–170 has been revised by deleting the words "millisecond delays" since they are unneeded and are too inclusive. When an electric detonator is included in a borehole charge it is unsafe to attempt detonator removal, as may have been implied in the proposed standard; reshunting all such detonators restores the blast area to a condition no less safe than that obtained up to the time that the electric circuits are to be deenergized so that electric detonators may be connected to the blasting circuit; and,

E. Proposed standard 57.6–200 has been revised by deleting the words "with suitable sides and tailgates" because blasting agents may be transported in certain bulk cargo vehicles for which the proposed requirement that vehicles be equipped "with suitable sides and tailgates" is not appropriate.

Part 57 of Chapter I of Title 30 of the Code of Federal Regulations is amended as set forth below.

Effective dates. It has been determined that various new standards, and amendments, revisions, or revocations of standards may properly be made effective upon the date of publication in the FEDERAL REGISTER. On the other hand, a delayed effective date should be established for other standards, and amendments or revisions of standards in order to give operators an opportunity to adjust their operations to meet new requirements. The effective dates of new standards, and of amendments, revisions, and revocations of standards are set forth below.

1. The following new standards shall become effective 45 days after the date of publication in the FEDERAL REGISTER:

Standards 57.6–133, 57.6–134, 57.6–135, 57.6–136, 57.6–137, 57.6–198, 57.6–200, 57.6–220, 57.19–53, and 57.19–54.

2. The amendments and revisions of the standards set forth below shall become effective 45 days after the date of publication in the FEDERAL REGISTER. However, during such period of 45 days an operator who has been found to be in violation of a standard now in force may comply with such standard as required prior to the effective date of its amendment or revision, or such operator may comply with the standard in the manner in which the standard is to be amended and revised and shall then be considered to be in compliance and to have abated the violation. On and after the effective date of the amendment or revision operators will be required to comply with the standard as amended and revised. The standards which have been amended and revised and to which this option applies are as follows: Standards 57.4–18, 57.4–52, 57.6–56, 57.6–116, 57.9–15, 57.13–21, and 57.19–50.

3. New standards and the amendments and revisions of standards set forth below shall become effective upon the date of publication in the FEDERAL REGISTER (7–19–72): Standards 57.4–21, 57.4–29, 57.4–65, 57.6–170, 57.6–177, 57.6–182, 57.9–33, 57.9–81, 57.11–9, 57.12–71, and 57.12–47.

4. The following standards, promulgated February 25, 1970, are revoked, effective on the date of publication in the FEDERAL REGISTER (7–19–72): Standards 57.4–28, 57.4–59, 57.12–9, 57.12–43, and 57.19–64.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

JULY 14, 1972.

Part 57, Title 30, Code of Federal Regulations is amended and revised as follows:

1. Standard 57.4–18, promulgated February 25, 1970 (35 F.R. 3670), which applies to both surface and underground operations, is revised to read as follows:

57.4–18 *Mondatory.* Oxygen cylinders shall not be stored in rooms or areas used or designated for oil or grease storage.

2. Standard 57.4–21, promulgated February 25, 1970 (35 F.R. 3670), which applies to both surface and underground operations, is revised to read as follows:

57.4–21 *Mandatory.* Equipment powered by internal combustion engines (except diesel engines) where the fuel tank is an integral part of the equipment, shall be shutoff and stopped before being fueled.

3. Standard 57.4–28, promulgated February 25, 1970 (35 F.R. 3670), which applies to both surface and underground operations, is revoked.

4. Standard 57.4–29, promulgated July 31, 1969 (34 F.R. 12517), which applies to both surface and underground operations, is revised to read as follows:

57.4–29 *Mandatory.* When welding or cutting, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire. Fire extinguishing equipment shall be immediately available at the site.

5. Standard 57.4–52, promulgated February 25, 1970 (35 F.R. 3670), which applies only to underground, is revised to read as follows:

57.4–52 *Mandatory.* Gasoline shall not be stored underground, but may be used only to power internal combustion engines in nongassy mines that have multiple horizontal or inclined roadways from the surface large enough to accommodate vehicular traffic. Roadways and other openings shall not be supported or lined with combustible material. All roadways and other openings shall be connected with another opening every 100 feet by a passage large enough to accommodate any vehicle in the mine.

6. Standard 57.4–59, promulgated February 25, 1970 (35 F.R. 3670), which is advisory, is revoked.

7. Standard 57.4–65, promulgated February 25, 1970 (35 F.R. 3670), which applies only to underground operations, is revised to read as follows:

57.4–65 *Mandatory.* When welding or cutting near combustible material, the surrounding area shall, if practical, be wet down thoroughly before and after work is done. A fire patrol of the area shall be maintained afterward for so long as necessary to assure that no danger of fire exists as determined by a responsible supervisor. In addition, when welding or cutting in shafts, winzes or raises, barriers, bulkheads or other protective measures shall be used to prevent injury to anyone working or traveling below.

8. Standard 57.6–56, promulgated December 8, 1970 (35 F.R. 18591), which applies to surface and underground operations, is revised to read as follows:

57.6–56 *Mandatory.* Substantial nonconductive containers shall be used to carry explosives to blasting sites.

9. Standard 57.6–116, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface and underground operations, is amended to read as follows:

57.6–116 *Mandatory.* Fuse shall be ignited with hotwire lighters, lead splitters, igniter cord, or other such devices designed for this purpose. Carbide lights shall not be used to light fuses.

10. New standards 57.6–133, 57.6–134, 57.6–135, 57.6–136, and 57.6–137, which apply to surface and underground operations, are added to read as follows:

57.6–133 *Mandatory.* If any part of a blast is connected in parallel and is to be initiated from powerlines or lighting circuits, the time of current flow shall be limited to a maximum of 25 milliseconds by incorporating a control device in the blasting circuit or by interrupting the circuit with an explosive charge attached to one or both lead lines and initiated by a zero-delay electric blasting cap.

57.6–134 *Mandatory.* Tools used for opening metal or nailed wooden containers of explosives or detonators shall be of nonsparking materials.

57.6–135 *Mandatory.* Holes shall not be collared in bootlegs.

57.6–136 Black blasting powder should not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

57.6–137 *Mandatory.* In the use of black blasting powder:

(a) Containers shall not be opened in, or within 50 feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within 50 feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills or granular powder shall be cleaned up promptly with nonsparking equipment; contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when

the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by: (1) Washing the stemming and powder charge from the borehole, and (2) removal and disposal of the initiator as a damaged explosive.

(g) Boreholes of shots that fire but fail to break, or fail to break properly, shall not be recharged for at least 12 hours.

11. Standard 57.6–170, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface operations, is revised to read as follows:

57.6–170 *Mandatory.* Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before electric detonators are connected to the blasting circuit; the power shall not be turned on until after the shots are fired or the blast is deactivated by removing or shunting each electric detonator.

12. Standard 57.6–177, promulgated February 25, 1970 (35 F.R. 3670), which applies only to underground operations, is revised to read as follows:

57.6–177 *Mandatory.* Misfires shall be reported to the proper supervisor. The blast area shall be dangered-off until misfired holes are disposed of. Where explosives other than black powder have been used, misfired holes shall be disposed of as soon as possible by one of the following methods:

(a) Washing the stemming and charge from the borehole with water;

(b) Reattempting to fire the holes if leg wires are exposed; or

(c) Inserting new primers after the stemming has been washed out.

13. New standard 57.6–182, which applies only to underground operations, is added to read as follows:

57.6–182 *Mandatory.* Blasts in shafts or winzes shall be initiated from a safe location outside the shaft or winze.

14. New standard 57.6–198, which applies to surface and underground operations, is added to read as follows:

57.6–198 *Mandatory.* Plastic tubes shall not be used as hole liners if blasting agents are loaded pneumatically into holes containing an electric detonator.

15. New standard 57.6–200, which applies to surface and underground operations, is added to read as follows:

57.6–200 *Mandatory.* Vehicles used to transport blasting agents shall have substantially constructed bodies, no zinc or copper exposed in the cargo space and shall be freely vented. Blasting agents shall not be piled higher than the side or end enclosures of open-body vehicles. If an enclosed screw conveyor is used to discharge blasting agents from the vehicle the conveyor shall be protected against excessive internal pressure and excessive frictional heat.

16. New standard 57.6–220, which applies only to underground operations, is added to read as follows:

57.6–220 *Mandatory.* Ammonium nitrate-fuel oil blasting agents shall not be mixed or otherwise "formulated" underground.

17. Standard 57.9–15, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface and underground operations, is revised to read as follows:

57.9–15 *Mandatory.* Unless the operator is otherwise protected, slushers in excess of 10 horsepower shall be provided with backlash guards. All slushers shall be equipped with rollers, and drum covers, and anchored securely before slushing operations are started.

18. Standard 57.9–33, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface and underground operations, is revised to read as follows:

57.9–33 *Mandatory.* Men shall not ride in dippers, shovel buckets, forks, clamshells, or in the beds of ore-haulage trucks for the purpose of transportation.

19. Standard 57.9–81, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface operations, is revised to read as follows:

57.9–81 Trucks, shuttlecars, and front-end loaders should be equipped with emergency brakes separate and independent of the regular braking system when generally available for a particular class of equipment.

20. Standard 57.11–9, promulgated July 13, 1969 (34 F.R. 12517), which applies to surface and underground operations, is revised to read as follows:

57.11–9 *Mandatory.* Walkways with outboard railings shall be provided wherever persons are required to walk alongside elevated conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

21. Standard 57.12–9, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface and underground operations, is revoked.

22. Standard 57.12–43, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface and underground operations, is revoked.

23. Standard 57.12–46, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface and underground operations, is renumbered 57.12–71, and revised to read as follows:

57.12–71 *Mandatory.* When equipment must be moved or operated near energized high-voltage powerlines (other than trolley lines) and the clearance is less than 10 feet, the lines shall be deenergized or other precautionary measures shall be taken.

24. Standard 57.12–47, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface and underground operations, is revised to read as follows:

55.12–47 *Mandatory.* Guy wires of poles supporting high-voltage transmission lines shall meet the requirements for grounding or insulator protection of the National Electrical Safety Code, Part 2, entitled "Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines," (also referred to as National Bureau of Standards Handbook 81, Nov. 1, 1961) and Supplement 2 thereof issued March 1968, which are hereby incorporated by reference and made a part hereof. These publications and documents may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or may be examined in any Metal and Nonmental Mine Health and Safety District or Subdistrict Office of the Bureau of Mines.

25. Standard 57.13–21, promulgated February 25, 1970 (35 F.R. 3670), which applies to surface and underground operations, is revised to read as follows:

57.13–21 *Mandatory.* Except where automatic shutoff valves are used, safety chains or other suitable locking devices shall be used at connections to machines of high-pressure hose lines of ¾-inch inside diameter or larger, and between high-pressure hose lines of ¾-inch inside diameter or larger, where a connection failure would create a hazard.

26. Standard 57.19–50, promulgated July 31, 1969 (34 F.R. 12517), is revised to read as follows:

57.19–50 *Mandatory.* Buckets used to hoist men during vertical shaft sinking operations shall have:

(a) A crosshead the height of which is at least 1½ times its width if used on wooden guides or a minimum height of 4 feet if used on rope or steel guides.

(b) Overhead protection when the shaft depth exceeds 50 feet.

(c) Sufficient depth or a suitably designated platform to transport men safely in a standing position.

(d) Devices to prevent accidental dumping where the bucket is supported by a bail attached to its lower half.

27. New Standards 57.19–53 and 57.19–54 are added to read as follows:

57.19–53 *Mandatory.* In shaft sinking where a platform is suspended by wire ropes, such ropes shall have an approved rating for the suspended load.

57.19–54 *Mandatory.* Where rope guides are used in shafts they shall be of locked coil construction.

28. Standard 57.19–64, promulgated February 25, 1970 (35 F.R. 3670), is revoked.

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